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ANNO REGNI  
VICTORIÆ,  
BRITANNIARUM REGINÆ,  
TRICESIMO ET TRICESIMO-PRIMO.

AT a Parliament begun and holden at *Westminster*, the first day of *February*, *Anno Domini*, 1866, in the twenty-ninth year of the Reign of Our Sovereign Lady Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, *Queen*, Defender of the Faith, and from thence continued by several Prorogations to the Fifth day of *February*, 1867.

Being the SECOND Session of the NINETEENTH Parliament of the United Kingdom of Great Britain and Ireland.

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TORONTO :  
PRINTED BY HENRY JERVIS HARTNEY,  
Law Printer to the Queen's Most Excellent Majesty.

1868.





ANNO REGNI

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ANNO TRICESIMO ET TRICESIMO-PRIMO

## VICTORIÆ REGINÆ.

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### C A P. III.

An Act for the Union of Canada, Nova Scotia, and New Brunswick, and the Government thereof; and for Purposes connected therewith.

[29th March 1867.]

**W**HEREAS the Provinces of Canada, Nova Scotia, and New Brunswick have expressed their desire to be federally united into One Dominion under the Crown of the United Kingdom of Great Britain and Ireland, with a Constitution similar in principle to that of the United Kingdom :

And whereas such a Union would conduce to the welfare of the Provinces and promote the interests of the British Empire :

And whereas on the Establishment of the Union by authority of Parliament it is expedient, not only that the Constitution of the Legislative Authority in the Dominion be provided for, but also that the nature of the Executive Government therein be declared :

And whereas it is expedient that provision be made for the eventual admission into the Union of other parts of British North America :

Be it therefore enacted and declared by the Queen's Most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

#### I.—PRELIMINARY.

1. This Act may be cited as The British North America Act, 1867. hort Title,

*The British North America Act, 1867.*

Application of  
Provisions re-  
ferring to the  
Queen.

2. The Provisions of this Act referring to Her Majesty the Queen extend also to the Heirs and Successors of Her Majesty, Kings and Queens of the United Kingdom of Great Britain and Ireland.

## II.—UNION.

Declaration of  
Union.

3. It shall be lawful for the Queen, by and with the advice of Her Majesty's Most Honorable Privy Council, to declare by proclamation that, on and after a day therein appointed, not being more than six months after the passing of this Act, the Provinces of Canada, Nova Scotia, and New Brunswick shall form and be One Dominion under the Name of Canada; and on and after that day those three Provinces shall form and be One Dominion under that name accordingly.

Construction of  
subsequent Pro-  
visions of Act.

4. The subsequent Provisions of this Act shall, unless it is otherwise expressed or implied, commence and have effect on and after the Union, that is to say, on and after, the Day appointed for the Union taking effect in the Queen's Proclamation; and in the same Provisions, unless it is otherwise expressed or implied, the Name Canada shall be taken to mean Canada as constituted under this Act.

Four Provinces.

5. Canada shall be divided into four Provinces, named Ontario, Quebec, Nova Scotia, and New Brunswick.

Provinces of  
Ontario and  
Quebec.

6. The parts of the Province of Canada (as it exists at the passing of this Act) which formerly constituted respectively the Provinces of Upper Canada and Lower Canada shall be deemed to be severed, and shall form two separate Provinces. The part which formerly constituted the Province of Upper Canada shall constitute the Province of Ontario; and the part which formerly constituted the Province of Lower Canada shall constitute the Province of Quebec.

Provinces of  
Nova Scotia  
and New  
Brunswick.

7. The Provinces of Nova Scotia and New Brunswick shall have the same limits as at the passing of this Act.

Decennial Cen-  
sus.

8. In the General Census of the population of Canada which is hereby required to be taken in the year one thousand eight hundred and seventy-one, and in every tenth year thereafter, the respective populations of the four Provinces shall be distinguished.

## III.—EXECUTIVE POWER.

Declaration of  
Executive  
Power in the  
Queen.

9. The Executive Government and authority of and over Canada is hereby declared to continue and be vested in the Queen.



*The British North America Act, 1867.*

**10.** The Provisions of this Act referring to the Governor General extend and apply to the Governor General for the time being of Canada, or other the Chief Executive Officer or Administrator for the time being carrying on the Government of Canada on behalf and in the name of the Queen, by whatever title he is designated.

Application of Provisions referring to Governor General.

**11.** There shall be a Council to aid and advise in the Government of Canada, to be styled the Queen's Privy Council for Canada; and the persons who are to be members of that Council shall be from time to time chosen and summoned by the Governor General and sworn in as Privy Councillors, and members thereof may be from time to time removed by the Governor General.

Constitution of Privy Council for Canada.

**12.** All powers, authorities, and functions which under any Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, are at the Union vested in or exerciseable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same continue in existence and capable of being exercised after the Union in relation to the Government of Canada, be vested in and exerciseable by the Governor General, with the advice or with the advice and consent of or in conjunction with the Queen's Privy Council for Canada, or any members thereof, or by the Governor General individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be abolished or altered by the Parliament of Canada.

All Powers under Acts to be exercised by Governor General with advice of Privy Council or alone.

**13.** The Provisions of this Act referring to the Governor General in Council shall be construed as referring to the Governor General acting by and with the advice of the Queen's Privy Council for Canada.

Application of Provisions referring to Governor General in Council.

**14.** It shall be lawful for the Queen, if her Majesty thinks fit, to authorize the Governor General from time to time to appoint any person or any persons jointly or severally to be his deputy or deputies within any part or parts of Canada, and in that capacity to exercise during the pleasure of the Governor General such of the powers, authorities, and functions of the Governor General as the Governor General deems

Power to Her Majesty to authorize Governor General to appoint Deputies.

*The British North America Act, 1867.*

deems it necessary or expedient to assign to him or them, subject to any limitations or directions expressed or given by the Queen; but the appointment of such a deputy or deputies shall not affect the exercise by the Governor General himself of any power, authority, or function.

Command of armed forces to continue to be vested in the Queen.

Seat of Government of Canada.

**15.** The Command-in-Chief of the Land and Naval Militia, and of all Naval and Military Forces, of and in Canada, is hereby declared to continue and be vested in the Queen.

**16.** Until the Queen otherwise directs, the Seat of Government of Canada shall be Ottawa.

## IV.—LEGISLATIVE POWER.

Constitution of Parliament of Canada.

**17.** There shall be one Parliament for Canada, consisting of the Queen, and Upper House styled the Senate, and the House of Commons.

Privileges, &c., of Houses.

**18.** The privileges, immunities, and powers to be held, enjoyed, and exercised by the Senate and by the House of Commons, and by the Members thereof, respectively, shall be such as are from time to time defined by Act of the Parliament of Canada, but so that the same shall never exceed those at the passing of this Act held, enjoyed, and exercised by the Commons House of Parliament of the United Kingdom of Great Britain and Ireland and by the Members thereof

First Session of the Parliament of Canada.

**19.** The Parliament of Canada shall be called together not later than six months after the Union.

Yearly Session of the Parliament of Canada.

**20.** There shall be a Session of the Parliament of Canada once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one Session and its first sitting in the next Session.

*The Senate.*

Number of Senators.

**21.** The Senate shall, subject to the Provisions of this Act, consist of Seventy-two Members, who shall be styled Senators.

Representation of Provinces in Senate.

**22.** In relation to the Constitution of the Senate, Canada shall be deemed to consist of Three Divisions—

1. Ontario;
2. Quebec;
3. The Maritime Provinces, Nova Scotia and New Brunswick; which



*The British North America Act, 1867.*

which three divisions shall (subject to the provisions of this Act) be equally represented in the Senate as follows: Ontario by Twenty-four Senators; Quebec by Twenty-four Senators; and the Maritime Provinces by Twenty-four Senators, Twelve thereof representing Nova Scotia, and twelve thereof representing New Brunswick.

In the case of Quebec each of the Twenty-four Senators representing that Province shall be appointed for one of the twenty-four Electoral Divisions of Lower Canada specified in Schedule A. to Chapter one of the Consolidated Statutes of Canada.

**23.** The Qualification of a Senator shall be as follows:— Qualification  
of Senators.

- (1.) He shall be of the full age of thirty years :
- (2.) He shall be either a Natural-born Subject of the Queen, or a Subject of the Queen naturalized by an Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of one of the Provinces of Upper Canada, Lower Canada, Canada, Nova Scotia, or New Brunswick, before the Union, or of the Parliament of Canada after the Union :
- (3.) He shall be legally or equitably seized as of freehold for his own use and benefit of lands or tenements held in free and common socage, or seized or possessed for his own use and benefit of lands or tenements held in Franc-alieu or in Roture, within the Province for which he is appointed, of the value of four thousand dollars, over and above all rents, dues, debts, charges, mortgages, and incumbrances due or payable out of or charged on or affecting the same :
- (4.) His real and personal property shall be together worth four thousand dollars over and above his debts and liabilities :
- (5.) He shall be a resident in the Province for which he is appointed :
- (6.) In case of Quebec he shall have his real property qualification in the electoral division for which he is appointed, or shall be resident in that division.

**24.** The Governor General shall, from time to time, in the Queen's name, by instrument under the Great Seal of Canada, summon qualified persons to the Senate; and, subject to the provisions Summons of  
Senators.

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*The British North America Act, 1867.*

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provisions of this Act, every person so summoned shall become and be a member of the Senate and a Senator.

Summons of  
First Body of  
Senators.

**25.** Such persons shall be first summoned to the Senate as the Queen by warrant under Her Majesty's Royal Sign Manual thinks fit to approve, and their names shall be inserted in the Queen's Proclamation of Union.

Addition of  
Senators in  
certain cases.

**26.** If at any time on the recommendation of the Governor General the Queen thinks fit to direct that three or six members be added to the Senate, the Governor General may by summons to three or six qualified persons (as the case may be), representing equally the three divisions of Canada, add to the Senate accordingly.

Reduction of  
Senate to  
normal num-  
ber.

**27.** In case of such addition being at any time made the Governor General shall not summon any person to the Senate, except on a further like direction by the Queen on the like recommendation, until each of the three divisions of Canada is represented by twenty-four Senators and no more.

Maximum  
number of  
Senators.

**28.** The number of Senators shall not at any time exceed seventy-eight.

Tenure of place  
in Senate.

**29.** A Senator shall, subject to the provisions of this Act, hold his place in the Senate for life.

Resignation of  
place in Senate.

**30.** A Senator may, by writing under his hand, addressed to the Governor General, resign his place in the Senate, and thereupon the same shall be vacant.

Disqualification  
of Senators.

**31.** The place of a Senator shall become vacant in any of the following cases :—

- (1.) If for two consecutive Sessions of the Parliament he fails to give his attendance in the Senate :
- (2.) If he takes an oath or makes a declaration or acknowledgment of allegiance, obedience, or adherence to a foreign power, or does an act whereby he becomes a subject or citizen, or entitled to the rights or privileges of a subject or citizen, of a foreign power :
- (3.) If he is adjudged bankrupt or insolvent, or applies for the benefit of any law relating to insolvent debtors, or becomes a public defaulter :
- (4.) If he is attainted of treason or convicted of felony or of any infamous crime :

(5.)



*The British North America Act, 1867.*

- (5.) If he ceases to be qualified in respect of property or of residence; provided, that a Senator shall not be deemed to have ceased to be qualified in respect of residence by reason only of his residing at the seat of the government of Canada while holding an office under that government requiring his presence there.
- 32.** When a vacancy happens in the Senate by resignation, death, or otherwise, the Governor General shall, by summons, to a fit and qualified person fill the vacancy. Summons on Vacancy in Senate.
- 33.** If any question arises respecting the qualification of a Senator, or a vacancy in the Senate, the same shall be heard and determined by the Senate. Questions as to qualifications and vacancies in Senate.
- 34.** The Governor General may from time to time, by Instrument under the Great Seal of Canada, appoint a Senator to be Speaker of the Senate, and may remove him and appoint another in his stead. Appointment of Speaker of Senate.
- 35.** Until the Parliament of Canada otherwise provides, the presence of at least fifteen Senators, including the Speaker, shall be necessary to constitute a meeting of the Senate for the exercise of its powers. Quorum of Senate.
- 36.** Questions arising in the Senate shall be decided by a majority of voices, and the Speaker shall in all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative. Voting in Senate.

*The House of Commons.*

- 37.** The House of Commons shall, subject to the provisions of this Act, consist of one hundred and eighty-one members, of whom eighty-two shall be elected for Ontario, sixty-five for Quebec, nineteen for Nova Scotia, and fifteen for New Brunswick. Constitution of House of Commons in Canada.
- 38.** The Governor General shall, from time to time, in the Queen's name, by Instrument under the Great Seal of Canada, summon and call together the House of Commons. Summoning of House of Commons.
- 39.** A Senator shall not be capable of being elected or of sitting or voting as a member of the House of Commons. Senators not to sit in House of Commons.
- 40.** Until the Parliament of Canada otherwise provides, Ontario, Quebec, Nova Scotia, and New Brunswick shall, for the purposes of the Election of Members to serve in the House of Commons, be divided into Electoral Districts as follows:—  
1.—

*The British North America Act, 1867.*

## 1.—ONTARIO.

Ontario shall be divided into the counties, ridings of counties, cities, parts of cities, and towns enumerated in the first Schedule to this Act, each whereof shall be an Electoral District, each such District as numbered in that Schedule being entitled to return one Member.

## 2.—QUEBEC.

Quebec shall be divided into sixty-five electoral districts, composed of the sixty-five electoral divisions into which Lower Canada is at the passing of this Act divided, under chapter two of the Consolidated Statutes of Canada, chapter seventy-five of the Consolidated Statutes for Lower Canada, and the Act of the Province of Canada of the twenty-third year of the Queen, chapter one, or any other Act amending the same in force at the Union, so that each such electoral division shall be for the purposes of this Act an electoral district entitled to return one member.

## 3.—NOVA SCOTIA.

Each of the eighteen counties of Nova Scotia shall be an electoral district. The County of Halifax shall be entitled to return two members, and each of the other Counties one member.

## 4.—NEW BRUNSWICK.

Each of the fourteen counties into which New Brunswick is divided, including the city and county of St. John, shall be an electoral district. The city of St. John shall also be a separate electoral district. Each of those fifteen electoral districts shall be entitled to return one member.

Continuance of  
existing Elec-  
tion Laws until  
Parliament of  
Canada other-  
wise provides.

41. Until the Parliament of Canada otherwise provides, all laws in force in the several Provinces at the Union, relative to the following matters or any of them, namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as members of the House of Assembly or Legislative Assembly in the several Provinces, the voters at elections of such members, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at elections, the periods during which elections may be continued, the trial of controverted elections, and proceedings incident thereto, the vacating of seats of members, and the execution of new writs in case of seats vacated otherwise than by dissolution,—shall respectively apply to elections of Members to serve in the House of Commons for the same several Provinces.

Provided



*The British North America Act, 1867.*

Provided that, until the Parliament of Canada otherwise provides, at any election for a member of the House of Commons for the District of Algoma, in addition to persons qualified by the law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

42. For the first election of Members to serve in the House of Commons the Governor General shall cause writs to be issued by such person, in such form, and addressed to such Returning Officers as he thinks fit.

Writs for first Election.

The person issuing Writs under this section shall have the like powers as are possessed at the Union by the officers charged with the issuing of Writs for the election of members to serve in the respective House of Assembly or Legislative Assembly of the Province of Canada, Nova Scotia, or New Brunswick; and the Returning Officers to whom Writs are directed under this section shall have the like powers as are possessed at the Union by the officers charged with the returning of Writs for the election of members to serve in the same respective House of Assembly or Legislative Assembly.

43. In case a vacancy in the representation in the House of Commons of any electoral District happens before the meeting of the Parliament, or after the meeting of the Parliament before provision is made by the Parliament in this behalf, the provisions of the last foregoing section of this act shall extend and apply to the issuing and returning of a Writ in respect of such vacant district.

As to casual vacancies.

44. The House of Commons on its first assembling after a General Election, shall proceed with all practical speed to elect one of its members to be Speaker.

As to Election of Speaker of House of Commons.

45. In case of a vacancy happening in the office of Speaker by death, resignation, or otherwise, the House of Commons shall with all practicable speed proceed to elect another of its members to be Speaker.

As to filling up vacancy in Office of Speaker.

46. The Speaker shall preside at all meetings of the House of Commons.

Speaker to preside.

47. Until the Parliament of Canada otherwise provides, in case of the absence for any reason of the Speaker from the chair of the House of Commons for a period of forty-eight consecutive hours, the House may elect another of its members to act as Speaker, and the member so elected shall during the continuance of such absence of the Speaker have and execute all the powers, privileges, and duties of Speaker.

Provisions in case of absence of Speaker.

*The British North America Act, 1867.*

Quorum of  
House of Com-  
mons.

48. The presence of at least twenty members of the House of Commons shall be necessary to constitute a meeting of the House for the exercise of its powers; and for that purpose the Speaker shall be reckoned as a member.

Voting in  
House of Com-  
mons.

49. Questions arising in the House of Commons shall be decided by a majority of voices other than that of the Speaker, and when the voices are equal, but not otherwise, the Speaker shall have a vote.

Duration of  
House of Com-  
mons.

50. Every House of Commons shall continue for five years from the day of the return of the Writs for choosing the House (subject to be sooner dissolved by the Governor General), and no longer.

Decennial re-  
adjustment of  
Representation.

51. On the completion of the census in the year one thousand eight hundred and seventy-one, and of each subsequent decennial census, the representation of the four Provinces shall be readjusted by such authority, in such manner, and from such time, as the Parliament of Canada from time to time provides, subject and according to the following rules:—

- (1.) Quebec shall have the fixed number of sixty-five members:
- (2.) There shall be assigned to each of the other Provinces such a number of members as will bear the same proportion to the number of its population (ascertained at such census) as the number sixty-five bears to the number of the population of Quebec (so ascertained):
- (3.) In the computation of the number of members for a Province a fractional part not exceeding one half of the whole number requisite for entitling the Province to a member shall be disregarded; but a fractional part exceeding one half of that number shall be equivalent to the whole number:
- (4.) On any such re-adjustment the number of members for a Province shall not be reduced unless the proportion which the number of the population of the Province bore to the number of the aggregate population of Canada at the then last preceding re-adjustment of the number of members for the Province is ascertained at the then latest census to be diminished by one twentieth part or upwards:
- (5.) Such re-adjustment shall not take effect until the termination of the then existing Parliament.



*The British North America Act, 1867.*

**52.** The number of members of the House of Commons may be from time to time increased by the Parliament of Canada, provided the proportionate representation of the Provinces prescribed by this Act is not thereby disturbed.

Increase of  
number of  
House of Com-  
mons.

*Money Votes; Royal Assent.*

**53.** Bills for appropriating any part of the public revenue, or for imposing any tax or impost, shall originate in the House of Commons.

Appropriation  
and Tax Bills.

**54.** It shall not be lawful for the House of Commons to adopt or pass any vote, resolution, address, or bill for the appropriation of any part of the public revenue, or of any tax or impost, to any purpose that has not been first recommended to that House by Message of the Governor General in the Session in which such vote, resolution, address, or bill is proposed.

Recommendation  
of money  
votes.

**55.** Where a Bill passed by the Houses of the Parliament is presented to the Governor General for the Queen's Assent, he shall declare, according to his discretion, but subject to the provisions of this Act and to Her Majesty's instructions, either that he assents thereto in the Queen's name, or that he withholds the Queen's Assent, or that he reserves the Bill for the signification of the Queen's pleasure.

Royal assent to  
Bills, &c.

**56.** Where the Governor General assents to a Bill in the Queen's name, he shall, by the first convenient opportunity, send an authentic copy of the Act to one of Her Majesty's Principal Secretaries of State, and if the Queen in Council within two years after receipt thereof by the Secretary of State thinks fit to disallow the Act, such disallowance (with a certificate of the Secretary of State of the day on which the Act was received by him) being signified by the Governor General, by Speech or Message to each of the Houses of the Parliament or by Proclamation, shall annul the Act from and after the day of such signification.

Disallowance  
by order in  
Council of Act  
assented to by  
Governor Gen-  
eral.

**57.** A Bill reserved for the signification of the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor General for the Queen's Assent, the Governor General signifies, by Speech or Message to each of the Houses of the Parliament or by Proclamation, that it has received the Assent of the Queen in Council.

Signification of  
Queen's  
pleasure on Bill  
reserved.

An entry of every such speech, message, or proclamation, shall be made in the Journal of each House, and a duplicate thereof duly attested shall be delivered to the proper officer to be kept among the Records of Canada.

*The British North America Act, 1867.*

## V.—PROVINCIAL CONSTITUTIONS.

*Executive Power.*

Appointment of  
Lieutenant-  
Governors of  
Provinces.

**58.** For each Province there shall be an Officer, styled the Lieutenant-Governor, appointed by the Governor General in Council by Instrument under the Great Seal of Canada.

Tenure of office  
of Lieutenant-  
Governor.

**59.** A Lieutenant-Governor shall hold office during the pleasure of the Governor General; but any Lieutenant-Governor appointed after the commencement of the first Session of the Parliament of Canada shall not be removeable within five years from his appointment, except for cause assigned, which shall be communicated to him in writing within one month after the order for his removal is made, and shall be communicated by Message to the Senate and to the House of Commons within one week thereafter if the Parliament is then sitting, and if not then within one week after the commencement of the next Session of the Parliament.

Salaries of  
Lieutenant-  
Governors.

**60.** The salaries of the Lieutenant-Governors shall be fixed and provided by the Parliament of Canada.

Oaths, &c. of  
Lieutenant-  
Governor.

**61.** Every Lieutenant-Governor shall, before assuming the duties of his office, make and subscribe before the Governor General, or some person authorized by him, oaths of allegiance and office similar to those taken by the Governor General.

Application of  
provisions re-  
ferring to Lieut-  
enant-Governor.

**62.** The provisions of this Act referring to the Lieutenant-Governor extend and apply to the Lieutenant-Governor for the time being of each Province or other the Chief Executive Officer or Administrator for the time being carrying on the Government of the Province, by whatever title he is designated.

Appointment of  
Executive Of-  
ficers for Onta-  
rio and Quebec.

**63.** The Executive Council of Ontario and of Quebec shall be composed of such persons as the Lieutenant-Governor from time to time thinks fit, and in the first instance of the following officers, namely,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, within Quebec, the Speaker of the Legislative Council and the Solicitor General.

Executive Gov-  
ernment of  
Nova Scotia  
and New  
Brunswick.

**64.** The constitution of the Executive authority in each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until altered under the authority of this Act.

Powers to be  
exercised by

**65.** All powers, authorities and functions which, under any Act



*The British North America Act, 1867.*

Act of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland, or of the Legislature of Upper Canada, Lower Canada, or Canada, were or are before or at the Union vested in or exerciseable by the respective Governors or Lieutenant-Governors of those Provinces, with the advice, or with the advice and consent, of the respective Executive Councils thereof, or in conjunction with those Councils, or with any number of Members thereof, or by those Governors or Lieutenant-Governors individually, shall, as far as the same are capable of being exercised after the Union in relation to the Government of Ontario and Quebec respectively, be vested in and shall or may be exercised by the Lieutenant-Governor of Ontario and Quebec respectively, with the advice or with the advice and consent of or in conjunction with the respective Executive Councils, or any members thereof, or by the Lieutenant-Governor individually, as the case requires, subject nevertheless (except with respect to such as exist under Acts of the Parliament of Great Britain, or of the Parliament of the United Kingdom of Great Britain and Ireland,) to be abolished or altered by the respective Legislatures of Ontario and Quebec.

Lieutenant-Governor of Ontario or Quebec with advice or alone.

**66.** The provisions of this Act referring to the Lieutenant-Governor in Council shall be construed as referring to the Lieutenant-Governor of the Province acting by and with the advice of the Executive Council thereof.

Application of provisions referring to Lieutenant-Governor in Council.

**67.** The Governor General in Council may from time to time appoint an Administrator to execute the office and functions of Lieutenant-Governor during his absence, illness, or other inability.

Administration in absence, &c. of Lieutenant-Governor.

**68.** Unless and until the Executive Government of any Province otherwise directs with respect to that Province, the Seats of Government of the Provinces shall be as follows, namely,—of Ontario, the City of Toronto; of Quebec, the City of Quebec; of Nova Scotia, the City of Halifax; and of New Brunswick, the City of Fredericton.

Seats of Provincial Governments.

*Legislative Power.*

## 1.—ONTARIO.

**69.** There shall be a Legislature for Ontario, consisting of the Lieutenant-Governor and of one House, styled the Legislative Assembly of Ontario.

Legislature for Ontario.

**70.** The Legislative Assembly of Ontario shall be composed of eighty-two members, to be elected to represent the eighty-two

Electoral Districts.

*The British North America Act, 1867.*

two Electoral Districts set forth in the first schedule to this Act.

2.—*QUEBEC.*

Legislature for  
Quebec.

**71.** There shall be a Legislature for Quebec, consisting of the Lieutenant-Governor and of two Houses, styled the Legislative Council of Quebec and the Legislative Assembly of Quebec.

Constitution of  
Legislative  
Council.

**72.** The Legislative Council of Quebec shall be composed of twenty-four members, to be appointed by the Lieutenant-Governor in the Queen's name, by Instrument under the Great Seal of Quebec, one being appointed to represent each of the twenty-four Electoral Divisions of Lower Canada in this Act referred to, and each holding office for the term of his life, unless the Legislature of Quebec otherwise provides under the provisions of this Act.

Qualification of  
Legislative  
Councillors.

**73.** The qualifications of the Legislative Councillors of Quebec shall be the same as those of the Senators for Quebec.

Resignation,  
disqualification,  
&c.

**74.** The place of a Legislative Councillor of Quebec shall become vacant in the cases, *mutatis mutandis*, in which the place of Senator becomes vacant.

Vacancies.

**75.** When a vacancy happens in the Legislative Council of Quebec by resignation, death, or otherwise, the Lieutenant-Governor, in the Queen's name, by Instrument under the Great Seal of Quebec, shall appoint a fit and qualified person to fill the vacancy.

Questions as to  
Vacancies, &c.

**76.** If any question arises respecting the qualification of a Legislative Councillor of Quebec, or a vacancy in the Legislative Council of Quebec, the same shall be heard and determined by the Legislative Council.

Speaker of  
Legislative  
Council.

**77.** The Lieutenant-Governor may, from time to time, by Instrument under the Great Seal of Quebec, appoint a member of the Legislative Council of Quebec to be Speaker thereof, and may remove him and appoint another in his stead.

Quorum of  
Legislative  
Council.

**78.** Until the Legislature of Quebec otherwise provides, the presence of at least ten members of the Legislative Council, including the Speaker, shall be necessary to constitute a meeting for the exercise of its powers.

Voting in  
Legislative  
Council.

**79.** Questions arising in the Legislative Council of Quebec shall be decided by a majority of voices, and the Speaker shall in  
all



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all cases have a vote, and when the voices are equal the decision shall be deemed to be in the negative.

**80.** The Legislative Assembly of Quebec shall be composed of sixty-five members, to be elected to represent the sixty-five Electoral Divisions or Districts of Lower Canada in this Act referred to, subject to alteration thereof by the Legislature of Quebec; provided that it shall not be lawful to present to the Lieutenant-Governor of Quebec for assent any Bill for altering the Limits of any of the Electoral Divisions or Districts mentioned in the second Schedule to this Act, unless the second and third readings of such Bill have been passed in the Legislative Assembly with the concurrence of the majority of the members representing all those Electoral Divisions or Districts, and the assent shall not be given to such bill unless an address has been presented by the Legislative Assembly to the Lieutenant-Governor stating that it has been so passed.

Constitution of  
Legislative As-  
sembly of Que-  
bec.

## 3.—ONTARIO AND QUEBEC.

**81.** The Legislatures of Ontario and Quebec respectively shall be called together not later than six months after the Union.

First Session of  
Legislatures.

**82.** The Lieutenant-Governor of Ontario and of Quebec shall, from time to time, in the Queen's name, by instrument under the Great Seal of the Province, summon and call together the Legislative Assembly of the Province.

Summoning of  
Legislative As-  
semblies.

**83.** Until the Legislature of Ontario or of Quebec otherwise provides, a person accepting or holding in Ontario or in Quebec any Office, Commission, or employment permanent or temporary, at the nomination of the Lieutenant-Governor, to which an annual salary, or any fee, allowance, emolument, or profit of any kind or amount whatever from the Province is attached, shall not be eligible as a member of the Legislative Assembly of the respective Province, nor shall he sit or vote as such; but nothing in this section shall make ineligible any person being a member of the Executive Council of the respective Province, or holding any of the following offices, that is to say,—the offices of Attorney General, Secretary and Registrar of the Province, Treasurer of the Province, Commissioner of Crown Lands, and Commissioner of Agriculture and Public Works, and in Quebec Solicitor General, or shall disqualify him to sit or vote in the House for which he is elected, provided he is elected while holding such office.

Restriction on  
election of hold-  
ers of offices.

**84.** Until the Legislatures of Ontario and Quebec respectively otherwise provide, all Laws which at the Union are

Continuance  
existing elec-  
tion laws.

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in force in those Provinces respectively, relative to the following matters, or any of them namely,—the qualifications and disqualifications of persons to be elected or to sit or vote as members of the Assembly of Canada, the qualifications or disqualifications of voters, the oaths to be taken by voters, the Returning Officers, their powers and duties, the proceedings at Elections, the periods during which such Elections, may be continued, and the trial of controverted Elections and the proceedings incident thereto, the vacating of the seats of members and the issuing and execution of new writs in case of seats vacated otherwise than by Dissolution, shall respectively apply to Elections of members to serve in the respective Legislative Assemblies of Ontario and Quebec.

Provided that until the Legislature of Ontario otherwise provides, at any Election for a member of the Legislative Assembly of Ontario for the District of Algoma, in addition to persons qualified by the Law of the Province of Canada to vote, every male British subject, aged twenty-one years or upwards, being a householder, shall have a vote.

Duration of  
Legislative As-  
semblies.

**85.** Every Legislative Assembly of Ontario and every Legislative Assembly of Quebec shall continue for four years from the day of the return of the Writs for choosing the same (subject nevertheless to either the Legislative Assembly of Ontario or the Legislative Assembly of Quebec being sooner dissolved by the Lieutenant-Governor of the Province), and no longer.

Yearly Session  
of Legislature.

**86.** There shall be a session of the Legislature of Ontario and of that of Quebec once at least in every year, so that twelve months shall not intervene between the last sitting of the Legislature in each Province in one Session and its first sitting in the next session.

Speaker,  
Quorum, &c.

**87.** The following provisions of this Act respecting the House of Commons of Canada shall extend and apply to the Legislative Assemblies of Ontario and Quebec, that is to say,—the provisions relating to the Election of a Speaker originally and on vacancies, the duties of the Speaker, the absence of the Speaker, the Quorum, and the mode of voting, as if those provisions were here re-enacted and made applicable in terms to each such Legislative Assembly.

#### 4.—NOVA SCOTIA AND NEW BRUNSWICK.

Constitutions of  
Legislatures of  
Nova Scotia  
and New  
Brunswick.

**88.** The Constitution of the Legislature of each of the Provinces of Nova Scotia and New Brunswick shall, subject to the provisions of this Act, continue as it exists at the Union until



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until altered under the authority of this Act; and the House of Assembly of New Brunswick existing at the passing of this Act shall, unless sooner dissolved, continue for the period for which it was elected.

## 5.—ONTARIO, QUEBEC, AND NOVA SCOTIA.

89. Each of the Lieutenant-Governors of Ontario, Quebec, and Nova Scotia shall cause writs to be issued for the first Election of members of the Legislative Assembly thereof, in such form and by such person as he thinks fit, and at such time and addressed to such Returning Officer as the Governor General directs, and so that the first Election of member of Assembly for any Electoral District or any sub-division thereof, shall be held at the same time and at the same places as the election for a member to serve in the House of Commons of Canada for that Electoral District.

First Elections

## 6.—THE FOUR PROVINCES.

90. The following provisions of this Act respecting the Parliament of Canada, namely,—the provisions relating to appropriation and Tax Bills, the recommendation of money votes, the Assent to Bills, the disallowance of Acts, and the signification of pleasure on bills reserved—shall extend and apply to the Legislatures of the several Provinces, as if those provisions were here re-enacted and made applicable in terms to the respective Provinces and the Legislatures thereof, with the substitution of the Lieutenant-Governor of the Province for the Governor General, of the Governor General for the Queen and for a Secretary of State, of one year for two years, and of the Province for Canada.

Application to Legislatures of provisions respecting money votes, &amp;c.

## VI.—DISTRIBUTION OF LEGISLATIVE POWERS.

*Powers of the Parliament.*

91. It shall be lawful for the Queen, by and with the advice and consent of the Senate and House of Commons, to make Laws for the peace, order, and good Government of Canada, in relation to all matters not coming within the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces; and for greater certainty, but not so as to restrict the generality of the foregoing terms of this section, it is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all matters coming within the classes of subjects next hereinafter enumerated; that is to say:—

Legislative authority of Parliament of Canada.

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1. The public debt and property.
2. The regulation of trade and commerce.
3. The raising of money by any mode or system of taxation.
4. The borrowing of money on the public credit.
5. Postal service.
6. The census and statistics.
7. Militia, military and naval service, and Defence.
8. The fixing of and providing for the salaries and allowances of civil and other officers of the Government of Canada.
9. Beacons, buoys, lighthouses, and Sable Island.
10. Navigation and shipping.
11. Quarantine and the establishment and maintenance of Marine Hospitals.
12. Sea Coast and inland fisheries.
13. Ferries between a Province and any British or Foreign Country or between two Provinces.
14. Currency and coinage.
15. Banking, incorporation of banks, and the issue of paper money.
16. Savings Banks.
17. Weights and measures.
18. Bills of exchange and promissory Notes.
19. Interest.
20. Legal tender.
21. Bankruptcy and Insolvency.
22. Patents of invention and discovery.
23. Copyrights.

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24. Indians, and lands reserved for the Indians.
25. Naturalization and aliens.
26. Marriage and Divorce.
27. The Criminal Law, except the Constitution of Courts of Criminal Jurisdiction, but including the procedure in criminal matters.
28. The establishment, maintenance, and management of Penitentiaries.
29. Such Classes of subjects as are expressly excepted in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

And any matter coming within any of the classes of subjects enumerated in this section shall not be deemed to come within the class of matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the Legislatures of the Provinces.

*Exclusive Powers of Provincial Legislatures.*

**92.** In each Province the Legislature may exclusively make laws in relation to matters coming within the classes of subjects next hereinafter enumerated, that is to say,—

Subjects of ex-  
clusive Provin-  
cial Legislation.

1. The amendment from time to time, notwithstanding anything in this Act, of the Constitution of the Province, except as regards the office of Lieutenant-Governor.
2. Direct taxation within the Province in order to the raising of a revenue for Provincial purposes.
3. The borrowing of money on the sole credit of the Province.
4. The establishment and tenure of Provincial offices and the appointment and payment of Provincial officers.
5. The management and sale of the public lands belonging to the Province and of the timber and wood thereon.
6. The establishment, maintenance, and management of Public and Reformatory Prisons in and for the Province.
7. The establishment, maintenance, and management of Hospitals, Asylums, Charities, and Eleemosynary Institutions in and for the Province, other than Marine Hospitals.



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8. Municipal Institutions in the Province.
9. Shop, saloon, tavern, auctioneer, and other licenses in order to the raising of a Revenue for Provincial, Local, or Municipal purposes.
10. Local works and undertakings other than such as are of the following classes,—
  - a. Lines of steam or other ships, railways, canals, telegraphs, and other works and undertakings connecting the Province with any other or others of the Provinces, or extending beyond the limits of the Province:
  - b. Lines of steamships between the Province and any British or foreign country:
  - c. Such works as, although wholly situate within the Province, are before or after their execution declared by the Parliament of Canada to be for the general advantage of Canada or for the advantage of two or more of the Provinces.
11. The incorporation of Companies with Provincial objects.
12. The solemnization of marriage in the Province.
13. Property and civil rights in the Province.
14. The administration of justice in the Province, including the constitution, maintenance, and organization of Provincial Courts, both of civil and of criminal jurisdiction, and including procedure in civil matters in those Courts.
15. The imposition of punishment by fine, penalty, or imprisonment for enforcing any law of the Province made in relation to any matter coming within any of the classes of subjects enumerated in this Section.
16. Generally all matters of a merely local or private nature in the Province.

*Education.*

Legislation respecting education.

**93.** In and for each Province the Legislature may exclusively make laws in relation to education, subject and according to the following provisions:—

- (1.) Nothing in any such law shall prejudicially affect any right

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- right or privilege with respect to Denominational Schools which any class of persons have by law in the Province at the Union :
- (2.) All the powers, privileges, and duties at the union by Law conferred and imposed in Upper Canada on the Separate Schools and School Trustees of the Queen's Roman Catholic subjects shall be, and the same are hereby extended to the dissentient Schools of the Queen's Protestant and Roman Catholic subjects in Quebec :
- (3.) Where in any Province a system of Separate or Dissentient Schools exists by Law at the Union or is thereafter established by the Legislature of the Province, an appeal shall lie to the Governor General in Council from any Act or decision of any Provincial authority affecting any right or privilege of the Protestant or Roman Catholic minority of the Queen's subjects in relation to Education :
- (4.) In case any such Provincial law as from time to time seems to the Governor General in Council requisite for the due execution of the provisions of this Section is not made, or in case any decision of the Governor General in Council on any appeal under this Section is not duly executed by the proper Provincial authority in that behalf, then and in every such case, and as far only as the circumstances of each case require, the Parliament of Canada may make remedial laws for the due execution of the provisions of this Section and of any decision of the Governor General in Council under this Section.

*Uniformity of Laws in Ontario, Nova Scotia and New Brunswick.*

34. Notwithstanding anything in this Act, the Parliament of Canada may make provision for the uniformity of all or any of the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and of the procedure of all or any of the Courts in those three Provinces, and from and after the passing of any Act in that behalf the power of the Parliament of Canada to make laws in relation to any matter comprised in any such Act, shall, notwithstanding anything in this Act, be unrestricted ; but any Act of the Parliament of Canada making provision for such uniformity shall not have effect in any Province unless and until it is adopted and enacted as law by the Legislature thereof.

Legislation for uniformity of laws in three Provinces.

*Agriculture and Immigration.*

35. In each Province the Legislature may make Laws in relation to Agriculture in the Province, and to Immigration

Concurrent powers of legislatures into

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lation respect-  
ing Agriculture  
&c.

into the Province; and it is hereby declared that the Parliament of Canada may from time to time make laws in relation to Agriculture in all or any of the Provinces, and to Immigration into all or any of the Provinces; and any Law of the Legislature of a Province relative to Agriculture or to Immigration, shall have effect in and for the Province as long and as far only as it is not repugnant to any Act of the Parliament of Canada.

## VII.—JUDICATURE.

Appointment of  
Judges.

**96.** The Governor General shall appoint the Judges of the Superior, District, and County Courts in each Province, except those of the Courts of Probate in Nova Scotia and New Brunswick.

Selection of  
Judges in  
Ontario, &c.

**97.** Until the laws relative to property and civil rights in Ontario, Nova Scotia, and New Brunswick, and the procedure of the Courts in those Provinces, are made uniform, the Judges of the Courts of those Provinces appointed by the Governor General shall be selected from the respective bars of those Provinces.

Selection of  
Judges in Que-  
bec.

**98.** The Judges of the Courts of Quebec, shall be selected from the bar of that Province.

Tenure of  
office of Judges  
of Superior  
Courts.

**99.** The Judges of the Superior Courts shall hold office during good behaviour, but shall be removable by the Governor General on address of the Senate and House of Commons.

Salaries, &c., of  
Judges.

**100.** The salaries, allowances, and pensions of the Judges of the Superior, District, and County Courts, (except the Courts of Probate in Nova Scotia and New Brunswick,) and of the Admiralty Courts in cases where the Judges thereof are for the time being paid by salary, shall be fixed and provided by the Parliament of Canada.

General Court  
of Appeal, &c.

**101.** The Parliament of Canada may, notwithstanding anything in this Act, from time to time, provide for the Constitution, Maintenance and Organization of a General Court of Appeal for Canada, and for the establishment of any additional courts for the better administration of the laws of Canada.

## VIII.—REVENUES; DEBTS; ASSETS; TAXATION.

Creation of  
Consolidated  
Revenue Fund.

**102.** All duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick before and at the Union had and have power of appropriation, except such portions thereof as are by this Act reserved to the respective Legislatures of the Provinces, or are raised by them in accordance with the special powers conferred on them by this



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this Act, shall form one Consolidated Revenue Fund, to be appropriated for the public service of Canada in the manner and subject to the charges in this Act provided.

**103.** The Consolidated Revenue Fund of Canada shall be permanently charged with the costs, charges, and expenses incident to the collection, management, and receipt thereof, and the same shall form the first charge thereon, subject to be reviewed and audited in such manner as shall be ordered by the Governor General in Council until the Parliament otherwise provides.

Expenses of  
collection, &c.

**104.** The annual interest of the public debts of the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, shall form the second charge on the Consolidated Revenue Fund of Canada.

Interest of Pro-  
vincial public  
debts.

**105.** Unless altered by the Parliament of Canada, the salary of the Governor General shall be ten thousand pounds sterling money of the United Kingdom of Great Britain and Ireland, payable out of the Consolidated Revenue Fund of Canada, and the same shall form the third charge thereon.

Salary of Gov-  
ernor General.

**106.** Subject to the several payments by this Act charged on the Consolidated Revenue Fund of Canada, the same shall be appropriated by the Parliament of Canada for the public service.

Appropriation  
from time to  
time.

**107.** All stocks, cash, banker's balances, and securities for money belonging to each Province at the time of the Union, except as in this Act mentioned, shall be the property of Canada, and shall be taken in reduction of the amount of the respective debts of the Provinces at the Union.

Transfer of  
stocks, &c.

**108.** The public works and property of each Province, enumerated in the third Schedule to this Act, shall be the property of Canada.

Transfer of  
property in  
schedule.

**109.** All lands, mines, minerals, and royalties belonging to the several Provinces of Canada, Nova Scotia, and New Brunswick at the Union, and all sums then due or payable for such lands, mines, minerals or royalties, shall belong to the several Provinces of Ontario, Quebec, Nova Scotia, and New Brunswick, in which the same are situate or arise, subject to any trusts existing in respect thereof, and to any interest other than that of the Province in the same.

Property in  
lands, mines,  
&c.

**110.** All assets connected with such portions of the public debt of each Province as are assumed by that Province shall belong to that Province.

Assets connect-  
ed with Pro-  
vincial debts

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Canada to be  
liable to Pro-  
vincial debts.

**111.** Canada shall be liable for the debts and liabilities of each Province existing at the Union.

Debts of On-  
tario and  
Quebec.

**112.** Ontario and Quebec conjointly shall be liable to Canada for the amount (if any) by which the debt of the Province of Canada exceeds at the Union Sixty-two million five hundred thousand dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Assets of On-  
tario and  
Quebec.

**113.** The assets enumerated in the fourth Schedule to this Act, belonging at the Union to the Province of Canada, shall be the property of Ontario and Quebec conjointly.

Debt of Nova  
Scotia.

**114.** Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Eight million dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Debt of New  
Brunswick.

**115.** New Brunswick shall be liable to Canada for the amount (if any) by which its public debt exceeds at the Union Seven million dollars, and shall be charged with interest at the rate of five per centum per annum thereon.

Payment of in-  
terest to Nova  
Scotia and New  
Brunswick.

**116.** In case the public debts of Nova Scotia and New Brunswick do not at the Union amount to Eight million and Seven million dollars respectively, they shall respectively receive by half-yearly payments in advance from the Government of Canada, interest at five per centum per annum on the difference between the actual amounts of their respective debts and such stipulated amounts.

Provincial  
public property

**117.** The several Provinces shall retain all their respective public property not otherwise disposed of in this Act, subject to the right of Canada to assume any lands or public property required for fortifications or for the defence of the country.

Grants to Pro-  
vinces.

**118.** The following sums shall be paid yearly by Canada to the several Provinces for the support of their Governments and Legislatures :

	Dollars.
Ontario	Eighty thousand.
Quebec	Seventy thousand.
Nova Scotia	Sixty thousand.
New Brunswick	Fifty thousand.

Two hundred and sixty thousand ;  
and an annual grant in aid of each Province shall be made,  
equal to eighty cents per head of the population as ascertained  
by the census of One thousand eight hundred and sixty-one,  
and

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and in the case of Nova Scotia and New Brunswick, by each subsequent decennial census until the population of each of those two Provinces amounts to Four hundred thousand souls, at which rate such grant shall thereafter remain. Such grants shall be in full settlement of all future demands on Canada, and shall be paid half-yearly in advance to each Province; but the Government of Canada shall deduct from such grants, as against any Province, all sums chargeable as interest on the public debt of that Province in excess of the several amounts stipulated in this Act.

**119.** New Brunswick shall receive by half-yearly payments in advance from Canada, for the period of ten years from the Union, an additional allowance of Sixty-three thousand dollars per annum; but as long as the public debt of that Province remains under Seven million dollars, a deduction equal to the interest at Five per centum per annum on such deficiency shall be made from that allowance of Sixty-three thousand dollars.

Further grant to New Brunswick.

**120.** All payments to be made under this Act, or in discharge of liabilities created under any Act of the Provinces of Canada, Nova Scotia, and New Brunswick respectively, and assumed by Canada, shall, until the Parliament of Canada, otherwise directs, be made in such form and manner as may from time to time be ordered by the Governor General in Council.

Form of payments.

**121.** All articles of the growth, produce, or manufacture of any one of the Provinces shall, from and after the Union, be admitted free into each of the other Provinces.

Canadian Manufactures, &c.

**122.** The Customs and Excise Laws of each Province shall, subject to the provisions of this Act, continue in force until altered by the Parliament of Canada.

Continuance of customs and excise laws.

**123.** Where Customs Duties are, at the Union, leviable on any goods, wares, or merchandises in any two Provinces, those goods, wares, and merchandises may, from and after the Union, be imported from one of those Provinces into the other of them on proof of payment of the customs duty leviable thereon in the Province of exportation, and on payment of such further amount (if any) of customs duty as is leviable thereon in the Province of importation.

Exportation and Importation as between two Provinces.

**124.** Nothing in this Act shall affect the right of New Brunswick to levy the lumber dues provided in Chapter fifteen of title three of the Revised Statutes of New Brunswick, or in any Act amending that Act before or after the Union,

Lumber dues in New Brunswick.



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Union, and not increasing the amount of such dues; but the lumber of any of the Provinces other than New Brunswick shall not be subject to such dues.

Exemption of  
Public Lands,  
&c.

**125.** No lands or property belonging to Canada or any Province shall be liable to taxation.

Provincial  
Consolidated  
Revenue Fund.

**126.** Such portions of the duties and revenues over which the respective Legislatures of Canada, Nova Scotia, and New Brunswick had before the Union power of appropriation as are by this Act reserved to the respective Governments or Legislatures of the Provinces, and all duties and revenues raised by them in accordance with the special powers conferred upon them by this Act, shall in each Province form one Consolidated Revenue Fund to be appropriated for the public service of the Province.

## IX.—MISCELLANEOUS PROVISIONS.

*General.*

As to Legisla-  
tive Councillors  
of Provinces  
becoming Sena-  
tors.

**127.** If any person being at the passing of this Act a Member of the Legislative Council of Canada, Nova Scotia, or New Brunswick, to whom a place in the Senate is offered, does not within thirty days thereafter, by writing under his hand addressed to the Governor General of the Province of Canada, or to the Lieutenant-Governor of Nova Scotia or New Brunswick, (as the case may be), accept the same, he shall be deemed to have declined the same; and any person who, being at the passing of this Act a member of the Legislative Council of Nova Scotia or New Brunswick, accepts a place in the Senate shall thereby vacate his seat in such Legislative Council.

Oath of allegi-  
ance, &c.

**128.** Every Member of the Senate or House of Commons of Canada shall, before taking his seat therein, take and subscribe before the Governor General, or some person authorized by him, and every member of a Legislative Council or Legislative Assembly of any Province shall, before taking his seat therein, take and subscribe before the Lieutenant-Governor of the Province or some person authorized by him, the oath of allegiance contained in the fifth schedule to this Act; and every member of the Senate of Canada and every member of the Legislative Council of Quebec shall also, before taking his seat therein, take and subscribe before the Governor General, or some person authorized by him, the declaration of qualification contained in the same schedule.

Continuance of  
existing Laws,

**129.** Except as otherwise provided by this Act, all Laws in force in Canada, Nova Scotia, or New Brunswick at the Union, and

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and all Courts of civil and criminal jurisdiction, and all legal commissions, powers and authorities, and all officers, judicial, administrative, and ministerial, existing therein at the Union, shall continue in Ontario, Quebec, Nova Scotia, and New Brunswick respectively, as if the Union had not been made; subject nevertheless (except with respect to such as are enacted by or exist under Acts of the Parliament of Great Britain or of the Parliament of the United Kingdom of Great Britain and Ireland) to be repealed, abolished, or altered by the Parliament of Canada, or by the Legislature of the respective Province, according to the authority of the Parliament or of that Legislature under this Act.

Courts, Officers,  
&c.

**130.** Until the Parliament of Canada otherwise provides, all officers of the several Provinces having duties to discharge in relation to matters other than those coming within the classes of Subjects by this Act assigned exclusively to the Legislatures of the Provinces, shall be officers of Canada, and shall continue to discharge the duties of their respective offices under the same liabilities, responsibilities, and penalties, as if the Union had not been made.

Transfer of  
Officers to Can-  
ada.

**131.** Until the Parliament of Canada otherwise provides, the Governor General in Council may from time to time appoint such officers as the Governor General in Council deems necessary or proper for the effectual execution of this Act.

Appointment of  
new Officers.

**132.** The Parliament and Government of Canada shall have all powers necessary or proper for performing the obligations of Canada or of any Province thereof, as part of the British Empire, towards Foreign Countries, arising under Treaties between the Empire and such Foreign Countries.

Treaty obliga-  
tions.

**133.** Either the English or the French language may be used by any person in the debates of the Houses of the Parliament of Canada and of the Houses of the Legislature of Quebec; and both those languages shall be used in the respective records or journals of those Houses; and either of those languages may be used by any person or in any pleading or process in or issuing from any Court of Canada established under this Act, and in or from all or any of the Courts of Quebec.

Use of English  
and French  
languages.

The Acts of the Parliament of Canada and of the Legislature of Quebec shall be printed and published in both those languages.

*Ontario and Quebec.*

**134.** Until the Legislature of Ontario or of Quebec otherwise provides, the Lieutenant-Governors of Ontario and Quebec

Appointment of  
Executive Of,  
Quebec

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Officers for Ontario and Quebec.

Quebec may each appoint under the Great Seal of the Province the following officers, to hold office during pleasure, that is to say,—the Attorney General, the Secretary and Registrar of the Province, the Treasurer of the Province, the Commissioner of Crown Lands, and the Commissioner of Agriculture and Public Works, and in the case of Quebec the Solicitor General; and may, by order of the Lieutenant-Governor in Council, from time to time prescribe the duties of those officers and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof; and may also appoint other and additional officers to hold office during pleasure, and may from time to time prescribe the duties of those officers, and of the several departments over which they shall preside or to which they shall belong, and of the officers and clerks thereof.

Powers, duties, &c. of Executive Officers.

**135.** Until the Legislature of Ontario or Quebec otherwise provides, all rights, powers, duties, functions responsibilities, or authorities at the passing of this Act vested in or imposed on the Attorney General, Solicitor General, Secretary and Registrar of the Province of Canada, Minister of Finance, Commissioner of Crown Lands, Commissioner of Public Works, and Minister of Agriculture and Receiver General, by any law, statute or ordinance of Upper Canada, Lower Canada, or Canada, and not repugnant to this Act, shall be vested in or imposed on any officer to be appointed by the Lieutenant-Governor for the discharge of the same or any of them; and the Commissioner of Agriculture and Public Works shall perform the duties and functions of the office of Minister of Agriculture at the passing of this Act imposed by the Law of the Province of Canada, as well as those of the Commissioner of Public Works.

Great Seal.

**136.** Until altered by the Lieutenant-Governor in Council, the Great Seals of Ontario and Quebec respectively shall be the same, or of the same design, as those used in the Province of Upper Canada and Lower Canada respectively, before their Union as the Province of Canada.

Construction of temporary Acts.

**137.** The words “and from thence to the end of the then “next ensuing session of the Legislature,” or words to the same effect, used in any temporary Act of the Province of Canada, not expired before the Union, shall be construed to extend and apply to the next session of the Parliament of Canada, if the subject matter of the Act is within the powers of the same, as defined by this Act, or to the next sessions of the Legislatures of Ontario and Quebec respectively, if the subject matter of the Act is within the powers of the same as defined by this Act.



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**138.** From and after the Union the use of the words "Upper Canada" instead of "Ontario," or "Lower Canada" instead of "Quebec," in any deed, writ, process, pleading, document, matter, or thing, shall not invalidate the same.

As to errors in names.

**139.** Any Proclamation under the Great Seal of the Province of Canada issued before the Union to take effect at a time which is subsequent to the Union, whether relating to that Province, or to Upper Canada, or to Lower Canada, and the several matters and things therein proclaimed shall be and continue of like force and effect as if the Union had not been made.

As to issue of Proclamations before Union to commence after Union.

**140.** Any Proclamation which is authorized by any Act of the Legislature of the Province of Canada to be issued under the Great Seal of the Province of Canada, whether relating to that Province, or to Upper Canada, or to Lower Canada, and which is not issued before the Union, may be issued by the Lieutenant-Governor of Ontario or of Quebec, as its subject matter requires, under the Great Seal thereof; and from and after the issue of such Proclamation the same and the several matters and things therein proclaimed shall be and continue of the like force and effect in Ontario or Quebec as if the Union had not been made.

As to issue of Proclamations after Union.

**141.** The Penitentiary of the Province of Canada shall, until the Parliament of Canada otherwise provides, be and continue the Penitentiary of Ontario and of Quebec.

Penitentiary.

**142.** The division and adjustment of the debts, credits, liabilities, properties, and assets of Upper Canada and Lower Canada shall be referred to the Arbitrament of three Arbitrators, one chosen by the Government of Ontario, one by the Government of Quebec, and one by the Government of Canada, and the selection of the Arbitrators shall not be made until the Parliament of Canada and the Legislatures of Ontario and Quebec have met; and the Arbitrator chosen by the Government of Canada, shall not be a resident either in Ontario or in Quebec.

Arbitration respecting debts, &c.

**143.** The Governor General in Council may from time to time, order that such and so many of the records, books and documents of the Province of Canada as he thinks fit shall be appropriated and delivered either to Ontario or to Quebec, and the same shall thenceforth be the property of that Province; and any copy thereof or extract therefrom, duly certified by the officer having charge of the original thereof, shall be admitted as evidence.

Division of records.

**144.** The Lieutenant-Governor of Quebec may from time to time, by proclamation under the Great Seal of the Province, to take

Constitution of Townships in Quebec.

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*\* The British North America Act, 1867.*

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take effect from a day to be appointed therein, constitute Townships in those parts of the Province of Quebec in which Townships are not then already constituted, and fix the metes and bounds thereof.

X.—INTERCOLONIAL RAILWAY.

Duty of Government and Parliament of Canada to make Railway herein described.

**145.** Inasmuch as the Provinces of Canada, Nova Scotia, and New Brunswick have joined in a declaration, that the construction of the Intercolonial Railway is essential to the consolidation of the union of British North America, and to the assent thereto of Nova Scotia and New Brunswick, and have consequently agreed that provision should be made for its immediate construction by the Government of Canada; Therefore, in order to give effect to that agreement, it shall be the duty of the Government and Parliament of Canada to provide for the commencement within six months after the Union, of a railway connecting the River St. Lawrence with City of Halifax in Nova Scotia, and for the construction thereof without intermission, and the completion thereof with all practicable speed.

XI.—ADMISSION OF OTHER COLONIES.

Power to admit Newfoundland, &c., into the Union.

**146.** It shall be lawful for the Queen, by and with the advice of Her Majesty's most Honorable Privy Council, on addresses from the Houses of the Parliament of Canada, and from the Houses of the respective Legislatures of the Colonies or Provinces of Newfoundland, Prince Edward Island, and British Columbia, to admit those Colonies or Provinces, or any of them, into the Union, and on address from the Houses of the Parliament of Canada to admit Rupert's land and the North-western Territory, or either of them, into the Union, on such terms and conditions in each case as are in the addresses expressed and as the Queen thinks fit to approve, subject to the provisions of this Act; and the provisions of any Order in Council in that behalf shall have effect as if they had been enacted by the Parliament of the United Kingdom of Great Britain and Ireland.

As to Representation of Newfoundland and Prince Edward Island in Senate.

**147.** In case of the admission of Newfoundland, and Prince Edward Island, or either of them, each shall be entitled to a representation in the Senate of Canada of four members, and (notwithstanding anything in this Act) in case of the admission of Newfoundland, the normal number of Senators shall be seventy-six, and their maximum number shall be eighty-two; but Prince Edward Island when admitted shall be deemed to be comprised in the third of the three divisions into which Canada is, in relation to the constitution of the Senate, divided by this Act, and accordingly after the admission of Prince Edward Island, whether Newfoundland is admitted

or

*The British North America Act, 1867.*

or not, the representation of Nova Scotia and New Brunswick in the Senate shall, as vacancies occur, be reduced from twelve to ten members respectively, and the representation of each of those Provinces shall not be increased at any time beyond ten, except under the provisions of this Act for the appointment of three or six additional Senators under the direction of the Queen.

## SCHEDULES.

## THE FIRST SCHEDULE.

*Electoral Districts of Ontario.*

## A.

## EXISTING ELECTORAL DIVISIONS.

## COUNTIES.

- |               |                   |
|---------------|-------------------|
| 1. Prescott.  | 6. Carleton.      |
| 2. Glengarry. | 7. Prince Edward. |
| 3. Stormont.  | 8. Halton.        |
| 4. Dundas.    | 9. Essex.         |
| 5. Russell.   |                   |

## RIDINGS OF COUNTIES.

10. North Riding of Lanark.
11. South Riding of Lanark.
12. North Riding of Leeds and North Riding of Grenville.
13. South Riding of Leeds.
14. South Riding of Grenville.
15. East Riding of Northumberland.
16. West Riding of Northumberland (excepting therefrom the Township of South Monaghan.)
17. East Riding of Durham.
18. West Riding of Durham.
19. North Riding of Ontario.
20. South Riding of Ontario.
21. East Riding of York.



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*The British North America Act, 1867.*

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22. West Riding of York.
23. North Riding of York.
24. North Riding of Wentworth.
25. South Riding of Wentworth.
26. East Riding of Elgin.
27. West Riding of Elgin.
28. North Riding of Waterloo.
29. South Riding of Waterloo.
30. North Riding of Brant.
31. South Riding of Brant.
32. North Riding of Oxford.
33. South Riding of Oxford.
34. East Riding of Middlesex.

CITIES, PARTS OF CITIES AND TOWNS.

35. West Toronto.
36. East Toronto.
37. Hamilton.
38. Ottawa.
39. Kingston.
40. London.
41. Town of Brockville, with the Township of Elizabethtown thereto attached.
42. Town of Niagara, with the Township of Niagara thereto attached.
43. Town of Cornwall, with the Township of Cornwall thereto attached.

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B.

NEW ELECTORAL DIVISIONS.

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44. The Provisional Judicial District of ALGOMA.

The County of BRUCE, divided into two Ridings, to be called respectively the North and South Ridings:—

45. The North Riding of Bruce to consist of the Townships of Bury, Lindsay, Eastnor, Albemarle, Amable, Arran, Bruce, Elderslie, and Saugeen, and the Village of Southampton.
46. The South Riding of Bruce to consist of the Townships of Kincardine (including the Village of Kincardine), Greenock, Brant, Huron, Kinloss, Culross and Carriek.

The

*The British North America Act, 1867.*

The County of HURON, divided into two Ridings, to be called respectively the North and South Ridings :

47. The North Riding to consist of the Townships of Ashfield, Wawanosh, Turnberry, Howick, Morris, Grey, Colborne, Hullett, including the Village of Clinton, and McKillop.
48. The South Riding to consist of the Town of Goderich, and the Township of Goderich, Tuckersmith, Stanley, Hay, Usborne, and Stephen.

The County of MIDDLESEX, divided into three Ridings, to be called respectively the North, West, and East Ridings :

49. The North Riding to consist of the Townships of McGillivray and Biddulph (taken from the County of Huron), and Williams East, Williams West, Adelaide, and Lobo.
50. The West Riding to consist of the Townships of Delaware, Carradoc, Metcalfe, Mosa and Ekfrid, and the Village of Strathroy.

[The East Riding to consist of the Townships now embraced therein, and be bounded as it is at present.]

51. The County of LAMBERTON, to consist of the Townships of Bosanquet, Warwick, Plympton, Sarnia, Moore, Enniskillen and Brooke, and the Town of Sarnia.
52. The County of KENT, to consist of the Townships of Chatham, Dover, East Tilbury, Romney, Raleigh and Harwich, and the Town of Chatham.
53. The County of BOTHWELL, to consist of the Townships of Sombra, Dawn, and Euphemia (taken from the County of Lambton), and the Townships of Zone, Camden with the Gore thereof, Orford, and Howard (taken from the County of Kent).

The County of GREY divided into Two Ridings to be called respectively the South and North Ridings :—

54. The South Riding to consist of the Townships of Bentinck, Glenelg, Artemesia, Osprey, Normanby, Egremont, Proton, and Melancthon.
55. The North Riding to consist of the Townships of Collingwood, Euphrasia, Holland, Saint Vincent, Sydenham,

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*The British North America Act, 1867.*

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Sydenham, Sullivan, Derby, and Keppel, Sarawak and Brooke, and the Town of Owen Sound.

The County of PERTH divided into Two Ridings, to be called respectively the South and North Ridings:—

56. The North Riding to consist of the Townships of Wallace, Elma, Logan, Ellice, Mornington, and North Easthope, and the Town of Stratford.
57. The South Riding to consist of the Townships of Blanchard, Downie, South Easthope, Fullarton, Hibbert, and the Villages of Mitchell and Ste. Marys.

The County of WELLINGTON divided into Three Ridings, to be called respectively North, South and Centre Ridings:—

58. The North Riding to consist of the Townships of Amaranth, Arthur, Luther, Minto, Maryborough, Peel, and the Village of Mount Forest.
59. The Centre Riding to consist of the Townships of Garafraxa, Erin, Eramosa, Nichol, and Pilkington, and the Villages of Fergus and Elora.
60. The South Riding to consist of the Town of Guelph, and the Townships of Guelph and Puslinch.

The County of NORFOLK, divided into Two Ridings, to be called respectively the South and North Ridings.

61. The South Riding to consist of the Townships of Charlotteville, Houghton, Walsingham, and Woodhouse, and with the Gore thereof.
62. The North Riding to consist of the Townships of Middleton, Townsend, and Windham, and the Town of Simcoe.
63. The County of HALDIMAND to consist of the Townships of Oneida, Seneca, Cayuga North, Cayuga South, Rainham, Walpole and Dunn.
64. The County of MONCK to consist of the Townships of Canborough and Moulton, and Sherbrooke, and the Village of Dunnville (taken from the County of Haldimand), the Townships of Caister and Gainsborough, (taken from the County of Lincoln), and the Townships of Pelham and Wainfleet (taken from the County of Welland).



*The British North America Act, 1867.*

65. The County of LINCOLN to consist of the Townships of Clinton, Grantham, Grimsby and Louth, and the Town of St. Catherines.
66. The County of WELLAND to consist of the Townships of Bertie, Crowland, Humberstone, Stamford, Thorold, and Willoughby, and the Villages of Chippewa, Clifton, Fort Erie, Thorold and Welland.
67. The County of PEEL to consist of the Townships of Chinguacousy, Toronto, and the Gore of Toronto, and the Villages of Brampton and Streetsville.
68. The County of CARDWELL to consist of the Townships of Albion and Caledon (taken from the County of Peel), and the Townships of Adjala and Mono (taken from the County of Simcoe).

The County of SIMCOE, divided into Two Ridings, to be called respectively the South and the North Ridings :

69. The South Riding to consist of the Townships of West Gwillimbury, Tecumseth, Innisfil, Essa, Tossorontio, Mulmur, and the Village of Bradford.
70. The North Riding to consist of the Townships of Nottawasaga, Sunnidale, Vespra, Flos, Oro, Medonte, Orillia and Matchedash, Tiny and Tay, Balaklava and Robinson, and the Towns of Barrie and Collingwood.

The County of VICTORIA, divided into Two Ridings, to be called respectively the South and North Ridings :

71. The South Riding to consist of the Townships of Ops, Mariposa, Emily, Verulum, and the Town of Lindsay.
72. The North Riding to consist of the Townships of Anson, Bexley, Carden, Dalton, Digby, Eldon, Fenelon, Hindon, Laxton, Lutterworth, Macaulay and Draper, Sommerville, and Morrison, Muskoka, Monck and Watt (taken from the County of Simcoe), and any other surveyed Townships lying to the North of the said North Riding.

The County of PETERBOROUGH, divided into Two Ridings, to be called respectively the West and East Ridings :—

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*The British North America Act, 1867.*

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73. The West Riding to consist of the Townships of South Monaghan (taken from the County of Northumberland), North Monaghan, Smith, and Ennismore, and the Town of Peterborough.
74. The East Riding to consist of the Townships of Asphodel, Belmont and Methuen, Douro, Dummer, Galway, Harvey, Minden, Stanhope and Dysart, Otonabee, and Snowden, and the Village of Ashburnham, and any other surveyed Townships lying to the North of the said East Riding.

The County of HASTINGS, divided into three Ridings, to be called respectively the West, East and North Ridings :

75. The West Riding to consist of the Town of Belleville, the Township of Sydney, and the Village of Trenton.
76. The East Riding to consist of the Townships of Thurlow, Tyendinaga, and Hungerford.
77. The North Riding to consist of the Townships of Rawdon, Huntingdon, Madoc, Elzevir, Tudor, Marmora, and Lake, and the Village of Stirling, and any other surveyed Townships lying to the north of the said North Riding.
78. The County of LENNOX, to consist of the Townships of Richmond, Adolphustown, North Fredericksburgh, South Fredericksburgh, Ernest Town, and Amherst Island, and the Village of Napanee.
79. The County of ADDINGTON to consist of the Townships of Camden, Portland, Sheffield, Hinchinbrooke, Kaladar, Kennebec, Olden, Oso, Anglesea, Barrie, Clarendon, Palmerston, Effingham, Abinger, Miller, Canonto, Denbigh, Loughborough, and Bedford.
80. The County of FRONTENAC to consist of the Townships of Kingston, Wolfe Island, Pittsburgh and Howe Island, and Storrington.

The County of RENFREW, divided into Two Ridings, to be called respectively the South and North Ridings :

81. The South Riding to consist of the Townships of McNab, Bagot, Blithfield, Brougham, Horton, Adamston, Grattan, Matawatchan, Griffith, Lyndoch, Raglan, Radcliffe, Brudenell, Sebastopol, and the Villages of Arnprior and Renfrew.

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*The British North America Act, 1867.*

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82. The North Riding to consist of the Townships of Ross, Bromley, Westmeath, Stafford, Pembroke, Wilberforce, Alice, Petawawa, Buchanan, South Algona, North Algona, Fraser, McKay, Wylie, Rolph, Head, Maria, Clara, Haggerty, Sherwood, Burns, and Richards, and any other surveyed Townships lying north-westerly of the said North Riding.

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Every Town and Incorporated Village existing at the Union, not specially mentioned in this Schedule, is to be taken as part of the County or Riding within which it is locally situate.

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THE SECOND SCHEDULE.

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*Electoral Districts of Quebec specially fixed.*

## COUNTIES OF—

Pontiac.	Missisquoi.	Compton.
Ottawa.	Brome.	Wolfe and Richmond.
Argenteuil.	Shefford.	Megantic.
Huntingdon.	Stanstead.	

Town of Sherbrooke.

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THE THIRD SCHEDULE.

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*Provincial Public Works and Property to be the Property of Canada.*

1. Canals, with Lands and Water Power connected therewith.
2. Public Harbours.
3. Lighthouses and Piers, and Sable Island.
4. Steamboats, dredges, and public vessels.
5. Rivers and Lake improvements.
6. Railways and railway stocks, mortgages, and other debts due by railway companies.
7. Military roads.



*The British North America Act, 1867.*

8. Custom houses, post offices, and all other public buildings, except such as the Government of Canada appropriate for the use of the Provincial Legislatures and Governments.
9. Property transferred by the Imperial Government, and known as Ordnance property.
10. Armouries, drill sheds, military clothing, and munitions of war, and lands set apart for general public purposes.

## THE FOURTH SCHEDULE.

*Assets to be the Property of Ontario and Quebec conjointly.*

Upper Canada Building Fund.  
 Lunatic Asylums.  
 Normal School.  
 Court Houses,  
     in  
 Aylmer, } Lower Canada.  
 Montreal,  
 Kamouraska.  
 Law Society, Upper Canada.  
 Montreal Turnpike Trust.  
 University Permanent Fund.  
 Royal Institution.  
 Consolidated Municipal Loan Fund, Upper Canada.  
 Consolidated Municipal Loan Fund, Lower Canada.  
 Agricultural Society, Upper Canada.  
 Lower Canada Legislative Grant.  
 Quebec Fire Loan.  
 Tamiscouata Advance Account.  
 Quebec Turnpike Trust.  
 Education—East.  
 Building and Jury Fund, Lower Canada.  
 Municipalities Fund.  
 Lower Canada Superior Education Income Fund.

THE

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*The British North America Act, 1867.*

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THE FIFTH SCHEDULE.

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## OATH OF ALLEGIANCE.

I, *A. B.* do swear, That I will be faithful and bear true Allegiance to Her Majesty Queen Victoria.

*Note.—The Name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time, with proper terms of reference thereto.*

## DECLARATION OF QUALIFICATION.

I, *A. B.*, do declare and testify, that I am by Law duly qualified to be appointed a Member of the Senate of Canada, [*or as the case may be*], and that I am legally or equitably seised as of freehold for my own use and benefit of lands or tenements held in free and common socage [*or seised or possessed for my own use and benefit of lands or tenements held in Franc-alleu or in Roture (as the case may be)*] in the Province of Nova Scotia (*or as the case may be*) of the value of four thousand dollars over and above all rents, dues, debts, mortgages, charges, and incumbrances due or payable out of or charged on or affecting the same, and that I have not exclusively or colourably obtained a title to or become possessed of the said lands and tenements or any part thereof for the purpose of enabling me to become a Member of the Senate of Canada (*or as the case may be*), and that my real and personal property are together worth four thousand dollars over and above my debts and liabilities.







ANNO TRICESIMO ET TRICESIMO-PRIMO

## VICTORIÆ REGINÆ.

### CAP. XVI.

An Act for authorizing a Guarantee of Interest on a Loan to be raised by *Canada* towards the Construction of a Railway connecting *Quebec* and *Halifax*.

[12th April, 1867.]

**W**HEREAS the construction of a Railway connecting the Port of *Rivière du Loup*, in the Province of *Quebec*, with the line of railway leading from the city of *Halifax*, in the Province of *Nova Scotia*, at or near the town of *Truro*, in a line, and on conditions approved by one of Her Majesty's Principal Secretaries of State, would conduce to the welfare of *Canada* and promote the interest of the British Empire :

And whereas it would greatly facilitate the construction of that railway (in this Act referred to as the railway) if payment of interest on part of the money required to be raised for the same were guaranteed under the authority of Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament Assembled, and by the authority of the same as follows :

1. Subject to the provisions of this Act, the Commissioners of Her Majesty's Treasury may guarantee, in such manner and form as they think fit, payment of interest at a rate not exceeding four per centum per annum on any principal money not exceeding the sum of three million pounds sterling, to be raised by way of loan by the Government of *Canada* for the purpose of the construction of the railway ; and the Commissioners of Her Majesty's Treasury may from time to time cause to be issued out of the consolidated fund of the United Kingdom, or the growing produce thereof, any money required for giving effect to such guarantee.

Power for Treasury to guarantee interest on loan.

*The Canada Railway Loan Act, 1867.*

Approval of line  
and use of rail-  
way for troops,  
&c.

2. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of *Canada* has been passed, within two years after the union of *Canada* under the *British North America Act, 1867*, providing to the satisfaction of one of Her Majesty's Principal Secretaries of State, as follows :

1. For the construction of the railway :
2. For the use of the railway at all times for Her Majesty's military and other service :

Nor unless and until the line in which the railway is to be constructed has been approved by one of Her Majesty's Principal Secretaries of State.

Raising and ex-  
penditure of a  
loan charged on  
Canadian Rev-  
enue, with  
Sinking Fund,  
&c.

3. The Commissioners of Her Majesty's Treasury shall not give any guarantee under this Act unless and until an Act of the Parliament of *Canada* has been passed providing, to the satisfaction of the Commissioners of Her Majesty's Treasury, as follows :

1. For the raising, appropriation and expenditure for the purpose of the construction of the railway of a loan not exceeding Three Million Pounds Sterling, bearing interest at a rate not exceeding four per centum per annum :
2. For charging the Consolidated Revenue Fund of *Canada*, with the principal and interest of the loan immediately after the charges specifically made thereon by Sections One Hundred and Three, One Hundred and Four, and One Hundred and Five of the *British North America Act, 1867*.
3. For the payment by the Government of *Canada* by way of Sinking Fund of an annual sum at the rate of one *per centum per annum* on the entire amount of principal money whereon Interest is guaranteed, to be remitted to the Commissioners of Her Majesty's Treasury by equal half-yearly payments in such manner as they from time to time direct, and to be invested and accumulated under their direction in the names of four Trustees, nominated from time to time, two by the commissioners of Her Majesty's Treasury and two by the Government of *Canada*, such Sinking Fund and its accumulations to be invested in securities of the Provinces of *Canada, Nova Scotia* and *New Brunswick*, issued before the Union of *Canada*, or, at the option of the Government

*The Canada Railway Loan Act, 1867.*

Government of *Canada*, in such other securities as may be proposed by that Government and approved by the Commissioners of Her Majesty's Treasury, and to be applied under the direction of the Commissioners of Her Majesty's Treasury in discharge of principal money whereupon interest is guaranteed ;

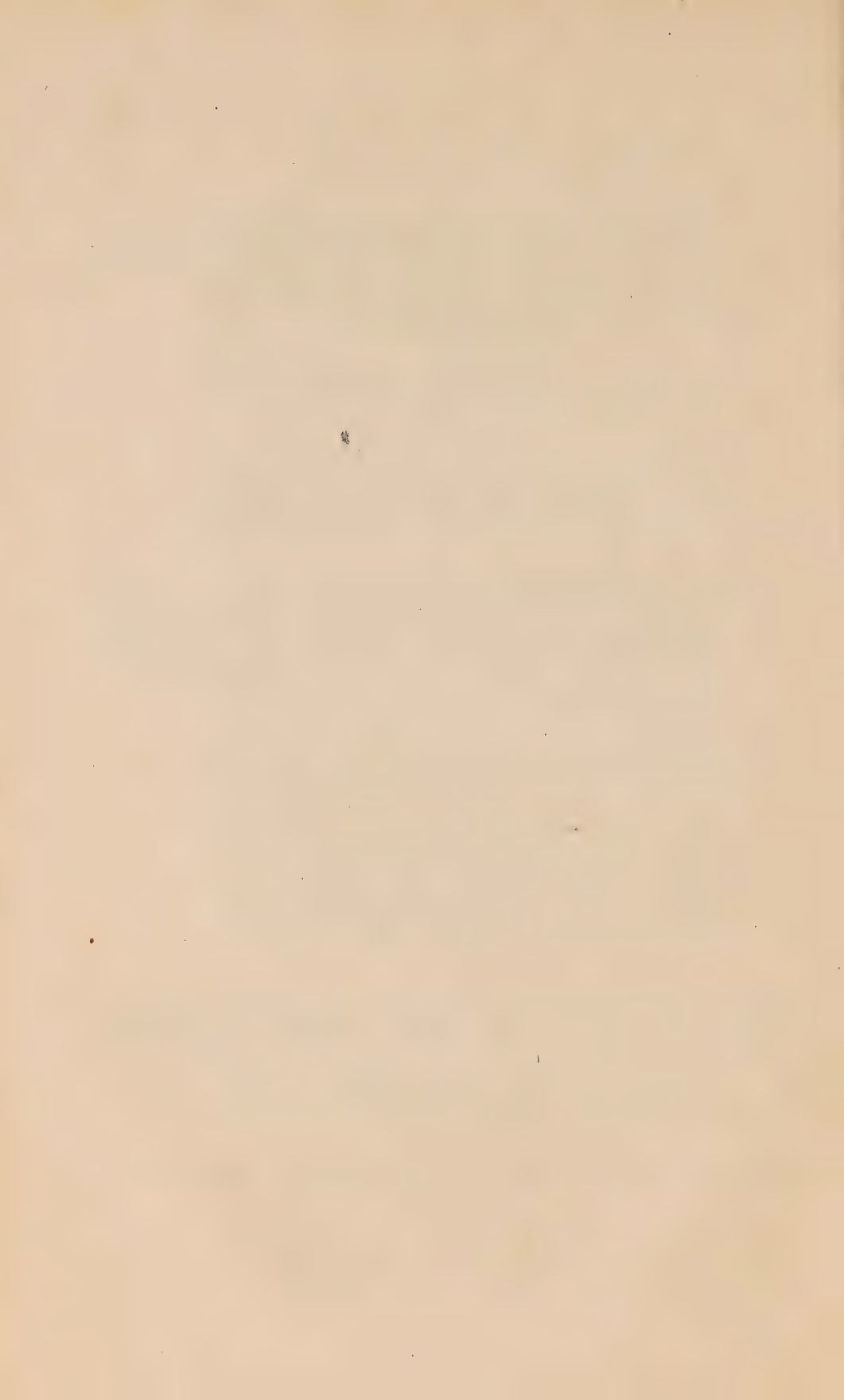
4. For charging the Consolidated Revenue Fund of *Canada* with the amount of the Sinking Fund immediately after the principal and interest of the loan ;
5. For charging the Consolidated Revenue Fund of *Canada* with any sum issued out of the Consolidated Fund of the United Kingdom under this Act, with interest thereon at the rate of five *per centum per annum*, immediately after the Sinking Fund ;
6. For continuance of the Sinking Fund until all principal and interest of the loan, and all sums issued out of the Consolidated Fund of the United Kingdom under this Act, and all interest thereon, are fully discharged, or until the Sinking Fund and its accumulations are adequate to discharge so much thereof as remains undischarged ;
7. For the raising by the Government of *Canada* (without guarantee by the Commissioners of Her Majesty's Treasury) of all such money (if any) beyond the sum of three million pounds sterling as, in the opinion of one of Her Majesty's Principal Secretaries of State, will be requisite for the construction of the railway, and for charging the Consolidated Revenue Fund of *Canada* with the money so raised, and interest immediately after the charges made thereon in pursuance of the foregoing provisions of this section.

8. There shall be laid before both Houses of Parliament, within fourteen days next after the beginning of every session, a statement and account showing what has been done from time to time in execution or pursuance of this Act by or under the direction of the Commissioners of Her Majesty's Treasury, and one of Her Majesty's Principal Secretaries of State, and the Parliament and Government of *Canada*.

Statement and account to be laid before Houses of Parliament.

9. This Act may be cited as The *Canada Railway Loan Act, 1867.* Short title.





STATUTES  
OF THE  
PROVINCE OF ONTARIO,

PASSED IN THE SESSION HELD IN THE  
THIRTY-FIRST YEAR OF THE REIGN OF HER MAJESTY  
QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE FIRST PARLIAMENT OF ONTARIO,  
BEGUN AND HOLDEN AT TORONTO, ON THE TWENTY-SEVENTH DAY OF DECEMBER IN  
THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED AND SIXTY-SEVEN.



HIS EXCELLENCY,  
MAJOR-GENERAL HENRY WILLIAM STISTED, C.B.,  
LIEUTENANT-GOVERNOR.

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TORONTO:  
PRINTED BY HENRY JERVIS HARTNEY,  
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

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ANNO DOMINI, 1868.







ANNO TRICESIMO-PRIMO

## VICTORIÆ REGINÆ.

### C A P I.

#### An Act Respecting the Statutes.

[Assented to 28th February, 1868.]

**H**ER Majesty, by and with the advice and consent of the Preamble.  
Legislative Assembly of the Province of Ontario, enacts  
as follows :

#### FORM OF ENACTING.

**1.** The following words may be inserted in the Preambles of Statutes and shall indicate the authority by virtue of which they are passed : “ Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows : ” Form of enacting clause.

**2.** After the insertion of the words aforesaid, which shall follow the setting forth of the considerations or reasons upon which the law is grounded, and which shall with these considerations or reasons constitute the entire Preamble, the various clauses of the Statute shall follow in a concise and enunciative form. Clauses to follow in concise form.

#### INTERPRETATION.

**3.** This section and the fourth, fifth, sixth, seventh and eighth sections of this Act, and each provision thereof, shall extend and apply to every Act passed in the Session held in this thirty-first year of Her Majesty's Reign, and in any future Session of the Legislature of Ontario, except in so far as the provision is inconsistent with the intent and object of such Act, The interpretation clauses to apply to all Acts hereafter passed.

Act, or the interpretation which such provision would give to any word, expression or clause is inconsistent with the context,—and except in so far as any provision thereof is in any such Act declared not applicable thereto;—Nor shall the omission in any Act of a declaration that the “Interpretation Act” shall apply thereto, be construed to prevent its so applying, although such express declaration may be inserted in some other Act or Acts of the same Session.

Date of assent to be endorsed on every Act.

4. The Clerk of the Legislative Assembly shall endorse on every Act of the Legislature of Ontario, immediately after the title of such Act, the day, month and year when the same was by the Lieutenant-Governor assented to, or reserved,—and in the latter case, the Clerk of the Legislative Assembly shall also endorse thereon the day, month and year when the Lieutenant-Governor has signified either by speech or message to the Legislative Assembly, or by Proclamation, that the same was laid before the Governor General in Council, and that the Governor General was pleased to assent to the same;—And such indorsement shall be taken to be a part of such Act, and the date of such Assent or Signification, as the case may be, shall be the date of the commencement of the Act, if no later commencement be therein provided.

Effect of such endorsement.

Act may be amended during the session in which it passed.

5. Any Act of the Legislature of Ontario may be amended, altered or repealed by any Act to be passed in the same Session thereof.

How enactments shall be construed.

6. In construing this or any Act of the Legislature of Ontario, unless it be otherwise provided, or there be something in the context or other provisions thereof indicating a different meaning, or calling for a different construction :

Application of expressions in present tense.

*First.* The Law is to be considered as always speaking, and whenever any matter or thing is expressed in the present tense, the same is to be applied to the circumstances as they arise, so that effect may be given to each Act and every part thereof according to its spirit, true intent and meaning ;

“Shall” and “may.”

*Secondly.* The word “shall” is to be construed as imperative, and the word “may” as permissive ;

“Herein”

*Thirdly.* Whenever the word “herein” is used in any section of an Act, it is to be understood to relate to the whole Act and not to that section only.

Interpretation of certain words.

7. Subject to the limitations in the sixth section of this Act, —in every Act of the Legislature of Ontario, to which this section applies :—

“HerMajesty,”  
Ac.

*First.* The words “Her Majesty,” “the Queen,” or “the Crown,” shall mean—Her Majesty, Her Heirs and Successors,  
E  
Sovereigns

Sovereigns of the United Kingdom of Great Britain and Ireland ;

*Secondly.* The words "Lieutenant-Governor" shall mean—  
the Lieutenant-Governor for the time being of Ontario, or other  
the Chief Executive Officer or Administrator for the time being  
carrying on the Government of Ontario, by whatever title he  
is designated ;

*Thirdly.* The words "Lieutenant-Governor in Council," shall mean—the Lieutenant-Governor of Ontario, or person  
administering the government of Ontario for the time being,  
acting by and with the advice of the Executive Council for  
Ontario ;

*Fourthly.* The words "the United Kingdom," shall mean  
the United Kingdom of Great Britain and Ireland :—and the  
words "the United States," shall mean the United States of  
America : And generally, the name commonly applied to any  
country, place, body, corporation, society, officer, functionary,  
person, party, or thing, shall mean such country, place, body,  
corporation, society, officer, functionary, person, party or thing,  
although such name be not the formal and extended designa-  
tion thereof ;

*Fifthly.* The word "Proclamation" means a Proclamation  
under the Great Seal, and the expression "Great Seal" means  
the Great Seal of Ontario ;

*Sixthly.* When the Lieutenant-Governor is authorized to do  
any act by Proclamation, such Proclamation is to be under-  
stood to be a Proclamation issued under an order of the Lieuten-  
ant-Governor in Council, but it shall not be necessary that  
it be mentioned in the Proclamation that it is issued under  
such order :

*Seventhly.* The word "County" includes two or more Coun-  
ties united for purposes to which the enactment relates ;

*Eighthly.* Words importing the singular number or the  
masculine gender only, shall include more persons, parties or  
things of the same kind than one, and females as well as males,  
and the converse ;

*Ninthly.* The word "person," shall include any body cor-  
porate or politic, or party, and the heirs, executors, adminis-  
trators or other legal representatives of such person, to whom  
the context can apply according to law ;

*Tenthly.* The words "writing," "written," or any term of  
like import, shall include words printed, painted, engraved,  
lithographed, or otherwise traced or copied ;

*Eleventhly.*



- Eleventhly.* The word "now" or "next," shall be construed as having reference to the time when the Act was presented for the Royal Assent ;
- Twelfthly.* The word "month" shall mean a calendar month ;
- Thirteenthly.* The word "holiday" shall include Sundays, New Year's Day, Good Friday, Easter Monday, and Christmas Day—the days appointed for the celebration of the birth-day of Her Majesty, and of Her Royal Successors—and any day appointed by Proclamation for a General Fast or Thanksgiving ;
- Fourteenthly.* The word "oath" shall be construed as meaning a solemn affirmation whenever the context applies to any person and case by whom and in which a solemn affirmation may be made instead of an oath, and in like cases the word "sworn" shall include the word "affirmed":—And in every case where an oath or affirmation is directed to be made before any person or officer, such person or officer shall have full power and authority to administer the same and to certify its having been made:—And the wilful making of any false statement in any such oath or affirmation, shall be wilful and corrupt perjury—and the wilful making of any false statement in any declaration required or authorized by any Act, shall be a misdemeanor punishable as wilful and corrupt perjury ;
- Fifteenthly.* The word "sureties" shall mean sufficient sureties, and the word "security" shall mean sufficient security, and where these words are used, one person shall be sufficient therefor unless otherwise expressly required ;
- Sixteenthly.* The words "Superior Courts" shall denote in the Province of Ontario, the Court of Queen's Bench, the Court of Common Pleas, and the Court of Chancery in the said Province: in the Province of Quebec, the said words shall denote the Court of Queen's Bench and the Superior Court in and for the said Province: and in the Provinces of Nova Scotia and New Brunswick the said words shall denote the Supreme Court in and for each of the said Provinces respectively ;
- Seventeenthly.* The words "Registrar" or "Register" in any Act, shall mean and include indifferently Registrars and Registers, and their Deputies, respectively ;
- Eighteenthly.* Any wilful contravention of any Act, which is not made an offence of some other kind, shall be a misdemeanor, and punishable accordingly ;
- Nineteenthly.* Whenever any wilful contravention of any Act is made an offence of any particular kind or name, the person

person guilty of such contravention shall, on conviction thereof, be punishable in the manner in which such offence is by law punishable;

*Twentiethly.* Whenever any pecuniary penalty or any forfeiture is imposed for any contravention of any Act,—then, if no other mode be prescribed for the recovery thereof, such penalty or forfeiture shall be recoverable with costs by civil action or proceeding at the suit of the Crown only, or of any private party suing as well for the Crown as for himself,—in any form allowed in such case by the law of this Province—before any Court having jurisdiction to the amount of the penalty in cases of simple contract,—upon the evidence of any one credible witness other than the plaintiff or party interested: And if no other provision be made for the appropriation of such penalty or forfeiture, one half thereof shall belong to the Crown, and the other half shall belong to the private plaintiff, if any there be, and if there be none, the whole shall belong to the Crown;

Recovery of penalties when no other mode is prescribed.

Appropriation.

*Twenty-firstly.* Any duty, penalty or sum of money, or the proceeds of any forfeiture, which is by any Act given to the Crown, shall, if no other provision be made respecting it, form part of the Consolidated Revenue Fund of this Province and be accounted for and otherwise dealt with accordingly;

When not otherwise appropriated to form part of Consolidated Revenue Fund.

*Twenty-secondly.* If any sum of the public money be, by any Act appropriated for any purpose, or directed to be paid by the Lieutenant-Governor,—then, if no other provision be made respecting it, such sum shall be payable under Warrant of the Lieutenant-Governor directed to the Treasurer of the Province, out of the Consolidated Revenue Fund of this Province: And all persons entrusted with the expenditure of any such sum, or any part thereof, shall account for the same in such manner and form, with such vouchers, at such periods and to such Officer, as the Lieutenant-Governor may direct;

Paying and accounting for moneys appropriated by statute.

*Twenty-thirdly.* The word “Magistrate” shall mean a Justice of the Peace;—the words “two Justices,” shall mean two or more Justices of the Peace, assembled or acting together; And if any thing is directed to be done by or before a Magistrate or a Justice of the Peace, or other Public Functionary or Officer, it shall be done by or before one whose jurisdiction or powers extend to the place where such thing is to be done:—And whenever power is given to any person, officer or functionary to do or to enforce the doing of any act or thing, all such powers shall be understood to be also given as are necessary to enable such person, officer or functionary to do or enforce the doing of such act or thing;

“Magistrate,”  
“two Justices.”

Power to do anything to include all necessary powers for doing it.

*Twenty-fourthly.* If in any Act, any party is directed to be imprisoned or committed to prison, such imprisonment or committal

Imprisonment where to be,

when no special place is mentioned.

committal shall, if no other place be mentioned or provided by law, be in or to the common gaol of the locality in which the order for such imprisonment is made, or if there be no common gaol there, then in or to that common gaol which is nearest to such locality; and the keeper of any such common gaol shall receive such person, and him safely keep and detain in such common gaol under his custody until discharged in due course of Law, or bailed in cases in which bail may by Law be taken;

Words authorizing appointment include power to remove.

*Twenty-fifthly.* Words authorizing the appointment of any public officer or functionary, or any deputy, shall include the power of removing him, re-appointing him, or appointing another in his stead, in the discretion of the authority in whom the power of appointment is vested;

Directions to a public officer, to apply to his successors and his Deputy.

*Twenty-sixthly.* Words directing or empowering a public officer or functionary to do any act or thing, or otherwise applying to him by his Name of Office, shall include his successors in such Office, and his or their lawful Deputy;

Appointments by Lieutenant-Governor to be during pleasure

*Twenty-seventhly.* All officers now appointed or hereafter to be appointed by the Lieutenant-Governor, whether by Commission or otherwise, shall remain in office during pleasure only;

Words constituting a corporation to vest certain powers in it.

*Twenty-eighthly.* Words making any association or number of persons a corporation or body politic and corporate, shall vest in such corporation, power to sue and be sued, contract and be contracted with, by their corporate name, to have a common seal, and to alter or change the same at their pleasure, and to have perpetual succession, and power to acquire and hold personal property or moveables for the purposes for which the corporation is constituted, and to alienate the same at pleasure; and shall also vest in any majority of the members of the Corporation, the power to bind the others by their acts; and shall exempt the individual members of the Corporation from personal liability for its debts or obligations or acts, provided they do not contravene the provisions of the Act incorporating them;—But no Corporation shall carry on the business of Banking, unless when such power is expressly conferred on them by the Act creating such Corporation;

Deviation from forms.

*Twenty-ninthly.* Where forms are prescribed, slight deviations therefrom not affecting the substance or calculated to mislead, shall not vitiate them;

Power to make By-laws.

*Thirtiethly.* Where power to make by-laws, regulations, rules or orders is conferred, it shall include the power to alter or revoke the same and make others;

Acts not to affect the

*Thirty-firstly.* No provision or enactment in any Act, shall affect in any manner or way whatsoever, the rights of Her Majesty,



Majesty, Her Heirs or Successors, unless it is expressly stated therein that Her Majesty shall be bound thereby; nor if such Act be of the nature of a private Act, shall it affect the rights of any person or of any body politic, corporate or collegiate (such only excepted as are therein mentioned or referred to);

Crown unless specially declared to do so.

*Thirty-secondly.* Every Act shall be so construed as to reserve to the Legislature the power of repealing or amending it, and of revoking, restricting or modifying any power, privilege or advantage thereby vested in or granted to any person or party, whenever such repeal, amendment, revocation, restriction or modification is deemed by the Legislature to be required for the public good;

Power to Parliament to repeal or amend any Act

*Thirty-thirdly.* Where any Act is repealed, wholly or in part, and other provisions substituted, all officers, persons, bodies politic or corporate, acting under the old law, shall continue to act as if appointed under the new law, until others are appointed in their stead: and all proceedings taken under the old law shall be taken up and continued under the new law, when not inconsistent therewith: and all penalties and forfeitures may be recovered, and all proceedings had in relation to matters which have happened before the repeal, in the same manner as if the law were still in force, pursuing the new provisions as far as they can be adapted to the old law.

Effect of repeal of Act on persons acting under it.

*Thirty-fourthly.* The repeal of an Act at any time shall not affect any act done or any right or right of action existing, accruing, accrued or established, or any proceedings commenced in a civil cause, before the time when such repeal shall take effect: but the proceedings in such case shall be conformable when necessary to the repealing Act;

As to acts &c., done before repeal.

*Thirty-fifthly.* No offence committed, and no penalty or forfeiture incurred, and no proceeding pending under any Act at any time repealed, shall be affected by the repeal, except that the proceedings shall be conformable, when necessary, to the repealing Act, and that where any penalty, forfeiture or punishment shall have been mitigated by any of the provisions of the repealing Act, such provisions shall be extended and applied to any judgment to be pronounced after such repeal;

Offences committed and penalties incurred not affected by repeal.

*Thirty-sixthly.* All rules and regulations made under any Act before the repeal thereof, shall continue valid until altered or annulled;

Rules, &c., made before repeal.

*Thirty-seventhly.* All appointments, and all bonds and securities given by the parties appointed under any Act at any time passed and repealed, shall not be affected thereby, but remain in full force; and all offices, establishments, books, papers, and other things made or used under any repealed Act, shall continue as before the repeal;

Appointments and bonds given before repeal.

*Thirty-eighthly.*

All Acts to be deemed public Acts.

*Thirty-eighthly.* Every Act shall, unless by express provision it is declared to be a Private Act, be deemed to be a Public Act, and shall be judicially noticed by all Judges, Justices of the Peace, and others, without being specially pleaded:—And all copies of Acts, public or private, printed by the Queen's Printer, shall be evidence of such Acts, and of their contents; and every copy purporting to be printed by the Queen's Printer, shall be deemed to be so printed, unless the contrary be shewn:

Proof of Acts.

Preamble to be a part of Act.

*Thirty-ninthly.* The Preamble of every such Act as aforesaid shall be deemed a part thereof intended to assist in explaining the purport and object of the Act:—And every Act and every provision or enactment thereof, shall be deemed remedial, whether its immediate purport be to direct the doing of any thing which the Legislature deems to be for the public good, or to prevent or punish the doing of any thing which it deems contrary to the public good,—and shall accordingly receive such fair, large, and liberal construction and interpretation as will best ensure the attainment of the object of the Act, and of such provision or enactment, according to their true intent, meaning and spirit:

All Acts remedial.

Applicable Rules of Construction.

*Fortiethly.* Nothing in this Section shall exclude the application to any Act, of any Rule of Construction applicable thereto, and not inconsistent with this Section;

Provisions herein to apply to this Act.

*Forty-firstly.* The provisions of this Act shall apply to the construction hereof, and to the words and expressions used herein.

Acts to be done by more than two.

8. When any act or thing is required to be done by more than two persons, a majority of them may do it.

#### DISTRIBUTION OF THE PRINTED STATUTES.

Certified copy of every Act to be furnished to Queen's Printer.

9. The Clerk of the Legislative Assembly shall furnish the Queen's Printer with a certified copy of every Act of the Legislature of Ontario, so soon as the same has received Assent, or if the Bill has been reserved, so soon as the Assent thereto has been proclaimed in this province.

Queen's Printer to distribute Acts.

10. The Queen's Printer shall, immediately after the close of each Session of the Legislature, or so soon after as may be practicable, deliver or transmit by Post, or otherwise, in the most economical mode, the proper number of printed copies of the Acts of the Legislature, (to be printed by him at the public expense) to the parties hereinafter mentioned, that is to say:

Who shall receive such copies.

To the Members of the Legislative Assembly respectively, such numbers of copies each, as may from time to time be directed

directed by any Resolution of the said House, or in default of such Resolution, in such numbers as shall be directed by any order of the Lieutenant-Governor in Council, and to such Public Departments, Administrative Bodies and Officers, throughout the Dominion of Canada, as may be specified in any order to be for that purpose made from time to time by the Lieutenant-Governor in Council.

Provided that when any Bill receives assent during and before the termination of any Session of the Legislature, the Queen's Printer, shall, on intimation to that effect from the Provincial Secretary, cause distribution to be made of such number of copies thereof, to the same parties and in like manner as is hereinbefore provided, in regard to the Acts of any Session.

As to Bills assented to during and before the end of the Session.

**11.** The Provincial Secretary shall, within fifteen days after the close of each Session of the Legislature, transmit to the Queen's Printer a list of all the Public Departments, Administrative Bodies and Officers to whom such copies are to be transmitted as aforesaid, and shall also, from time to time as occasion requires, furnish him with copies of all orders in Council made under the provisions of this Act.

List to be furnished of persons to receive copies.

**12.** If after the distribution of the said printed Acts any copies remain in the hands of the Queen's Printer, he may deliver any number thereof to any person, by order of the Lieutenant-Governor, on notice thereof by the Provincial Secretary, or to the members of the Legislative Assembly, on the order of the Speaker of the said House.

If any copies remain, &c.

**13.** The Statutes shall be printed in Royal Octavo Form, on fine paper, in Small Pica Type, thirty-two ems by fifty-five ems, including marginal notes in Minion, such notes referring to the year and chapter of previous Statutes, whenever the text amends, repeals or changes the enactments of former years; and shall be half bound in Cloth, with backs of Red Sheep-skin, and lettered; and they shall be arranged for distribution in such manner, either by the binding of the Public General Acts, and Acts of a local or private character, in separate volumes, or by binding them together in the same volumes with separate indexes or otherwise, as the Lieutenant-Governor in Council may deem expedient.

How Statutes shall be printed and bound.

Classification of Statutes.

**14.** The Queen's Printer shall, before the opening of each Session of the Legislature, make a Report in triplicate to the Lieutenant-Governor, (to be by him laid before the Legislature within fifteen days after the opening of such Session), shewing the number of copies of the Acts of each Session which have been printed and distributed by him since the last Session, —and the Departments, Administrative Bodies, Officers and persons to whom the same have been distributed; the number of

Report by Printer as to number of copies distributed.



And as to expense incurred by him.

of copies delivered to each, and under what authority; and the numbers of copies of the Acts of each Session then remaining in his hands,—and containing also a detailed account of the expenses by him actually incurred in carrying this Act into effect, to the end that provision may be made for defraying the same, after such account has been duly audited and allowed.

#### SHORT TITLE.

Short Title.

**15.** This Act may be cited as “The Interpretation Act.”

## C A P. II.

An Act respecting the Office of Speaker of the Legislative Assembly.

[Assented to 28th February, 1868.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

In case of illness, &c., of the Speaker, he may call on any member to take the chair pro. tem.

**1.** Whenever, from illness or other cause, the Speaker of the Legislative Assembly finds it necessary to leave the Chair during any part of the sittings of the said Assembly on any day, he may call upon any member thereof to take the Chair and to act as Speaker during the remainder of such day unless the Speaker himself resume the Chair before the close of the sittings for that day; and the member so called upon shall take the Chair and act as Speaker accordingly.

In what case the Assembly may elect a Speaker for that day.

**2.** Whenever the Speaker, from illness or other unavoidable cause, cannot be present at the meeting of the Assembly on any day, it shall be lawful for the said Assembly to elect a member to take the Chair and preside as Speaker for that day.

Acts and Orders of the Assembly in such cases to be effectual.

**3.** Every Act passed, and every Order made and thing done by the said Assembly while such member is acting or presiding as Speaker as aforesaid, shall be as valid and effectual, to all intents and purposes, as if done while the Speaker himself was presiding in the Chair.

Cap. 4 of the Con. Stat. repealed in part.

**4.** Chapter Four of the Consolidated Statutes of Canada is hereby repealed, in so far as it affects the Province of Ontario.

## CAP. III.

An Act to establish a Consolidated Revenue Fund for the Province of Ontario.

[Assented to 28th February, 1868.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All duties, revenues and moneys, whatsoever, of the Province of Ontario, over which the Legislature of this Province has, or hereafter may have, the power of appropriation, shall form one Consolidated Revenue Fund, to be called the Consolidated Revenue Fund of Ontario, to be appropriated for the public service of this Province, in the manner and subject to the charges hereinafter mentioned.

Consolidated  
Revenue  
Fund estab-  
lished.

2. The said Consolidated Revenue Fund shall be permanently charged with all the costs, charges and expenses incident to the collection, management and receipt thereof; such costs, charges and expenses being subject nevertheless to be reviewed and audited in the manner directed by any Act of the Legislature.

Permanent  
charges there-  
on.

3. The Legislative Assembly shall not originate or pass any Vote, Resolution or Bill, for the appropriation of any part of the said Consolidated Revenue Fund, or of any other Tax or Impost, to any person which has not been first recommended by a message of the Lieutenant-Governor to the said Legislative Assembly, during the Session in which such Vote, Resolution or Bill is passed.

Appropriation  
by Message of  
Lieutenant-Gov-  
ernor.

4. The Lieutenant-Governor in Council may from time to time, in his discretion, invest any surplus of the said Consolidated Revenue Fund not required for the public service, in the Debentures or other public securities of the Dominion of Canada. And whenever the exigencies of the public service may render it necessary or expedient to convert the same into money, shall sell and dispose of the same, first giving one month's notice of such intended sale in the *Official Gazette* of the Province of Ontario, and of the Dominion of Canada, calling for Tenders for the purchase of the Stock or Debentures in which such surplus may be invested.

Investment of  
surplus.

## CAP. IV.

An Act for granting to Her Majesty certain sums of money required for defraying the expenses of Civil Government for the year 1868, for making good certain sums expended for the Public Service in 1867, and for other purposes.

[Assented to 4th March, 1868.]

MOST GRACIOUS SOVEREIGN:—

Preamble.

**W**HEREAS it appears by messages from His Excellency Major-General Stisted, Lieutenant-Governor of the Province of Ontario, and the Estimates and Statements accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the Civil Government of this Province and of the Public Service thereof, and other purposes, for the year One Thousand Eight Hundred and Sixty-Eight, and to make good certain sums expended for the public service in the year One Thousand Eight Hundred and Sixty-Seven; May it therefore please your Majesty that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Ontario as follows:

\$1,352,677.42  
cts. appropriated  
for charges  
of Civil Govern-  
ment, &c., for  
1868 out of Con-  
Rev. Fund.

**1.** From and out of the Consolidated Revenue Fund of this Province there shall and may be paid and applied a sum not exceeding in the whole one million three hundred and fifty-two thousand six hundred and seventy-seven dollars and forty-two cents for defraying the several charges and expenses of the Civil Government of this Province, for the year One Thousand Eight Hundred and Sixty-Eight, and for other purposes; Provided always, that any appropriation made by this Act which shall be unexpended on the Thirty-first day of December, one Thousand Eight Hundred and Sixty-Eight, shall become void and of no effect.

\$56,669.97 cts.  
to make good  
certain ex-  
penditures in  
schedule.

**2.** There shall be charged to the Consolidated Revenue Fund of this Province the sum of fifty-six thousand six hundred and sixty-nine dollars and ninety-seven cents, to make good the expenditures defrayed by the Treasurer of the Province during the six months ending Thirty-first day of December, One Thousand Eight Hundred and Sixty Seven, as detailed in Statement No. 2 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the thirteenth January last.

\$530,765.73 cts.  
to make good  
certain other  
expenditures in  
schedule.

**3.** Subject to revision and correction, there shall be charged to the Consolidated Revenue Fund of this Province, the further sum of five hundred and thirty thousand seven hundred and sixty-five dollars and seventy-three cents, to make good the Expenditures  
defrayed



defrayed by the Dominion of Canada on account of the Province of Ontario during the six months ending the Thirty-first day of December, One Thousand Eight Hundred and Sixty-Seven, as detailed in Statement No. 5 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the thirteenth January last.

4. And whereas it is inexpedient that moneys shall be paid out of the Public Treasury of this Province for the support of Collegiate Institutions, be it therefore declared and enacted, that the sum of thirty-two thousand one hundred dollars hereby granted to certain Colleges specified in the Schedule to this Act is so granted to save these Institutions from the embarrassment which might ensue were they suddenly deprived of the assistance hitherto afforded by the Legislature of the late Province of Canada, and that it shall not hereafter be lawful to continue such grants.

5. Accounts in detail of all moneys received on account of this Province, and of all Expenditures under this Act, shall be laid before the Legislative Assembly at its next Session.

\$32,100 granted to save certain colleges from embarrassment.

6. The due application of all moneys expended under the authority of this Act shall be accounted for to Her Majesty.

Accounts to be laid before Parliament.

Account to Her Majesty.

## SCHEDULE.

Sums granted to Her Majesty by this Act, and the purposes for which they are granted.

SERVICE.	Amount.	Total.	Total.
<b>CIVIL GOVERNMENT.</b>			
<b>LIEUTENANT-GOVERNOR'S OFFICE.</b>	\$ cts.	\$ cts.	\$ cts.
Private Secretary's Office.....	800 00		
Messenger's do. ....	400 00	1,200 00	
<b>EXECUTIVE COUNCIL OFFICE.</b>			
Clerk, Salary, (also Chief Clerk to the Attorney-General).....	400 00		
Junior Clerk, Salary.....	600 00		
Caretaker, do. ....	365 00		
Messenger, do. (\$500—half charged Attorney-General's Office.....	250 00	1,615 00	
<b>ATTORNEY-GENERAL'S OFFICE.</b>			
Attorney-General as Premier, salary, (arrears for 1867, \$2,000 00).....	4,000 00		
Chief Clerk, Salary (arrears for 1867 \$500 00)...	1,200 00		
Second do. ....	600 00		
Messenger do. (See Executive Council above)	250 00	8,550 00	
<b>TREASURY DEPARTMENT.</b>			
Treasurer, Salary....(arrears for 1867 \$392 00).	3,200 00		
Book-keeper do....( do. 61 29).	1,200 00		
Chief Clerk, Audit Branch .....	1,000 00		
Junior Clerk, do. ....	500 00		
Clerk of Correspondence .....	600 00		
Messenger .....	365 00	7,318 29	
<b>SECRETARY AND REGISTRAR'S OFFICE</b>			
Sec'y and Registrar, Salary, (arrears for 1867 \$1,100,	3,200 00		
Ass't Secretary and Deputy Registrar, salary ...	1,600 00		
First Clerk, Registrar's Office, do ...	800 00		
do. Secretary's do. do ...	600 00		
Three additional Clerks .....	1,600 00		
Messenger.....	365 00	9,265 00	
<b>DEPARTMENT OF AGRICULTURE AND PUBLIC WORKS.</b>			
Commissioner, salary (Arrears of 1867, \$1,000 00)	3,200 00		
Surveyor .....	1,600 00		
Secretary of Agriculture .....	800 00		
Accountant and Librarian .....	800 00		
Senior Clerk and Draughtsman.....	800 00		
Clerk .....(Arrears of 1867, \$100 00)	600 00		
Messenger .....	365 00	9,865 00	
<i>Carried Forward</i> .....		37,813 29	

SERVICE.	\$	cts.	\$	cts.	\$	cts.
<i>Brought forward</i> .....					37,813	21
<b>CIVIL GOVERNMENT—CONTINUED.</b>						
<b>CROWN LANDS DEPARTMENT.</b>						
Commissioner, Salary, (Arrears of 1867, \$1,100 00)	3,200	00				
Assistant Commissioner, Salary.....	2,600	00				
Surveyor's Branch, Salaries.....	5,910	00				
Land claims and sales in old Townships branch, Salaries.....	4,760	00				
Clergy and School Lands, and Crown Lands in new Townships branch, Salaries.....	5,260	00				
Letters Patent branch, Salaries.....	3,030	00				
Woods and Forests branch, Salaries.....	3,240	00				
Accounts do. do. ....	8,240	00				
Registrars do. do. ....	1,400	00				
Clerk, unattached.....	700	00				
Office-Keeper.....	500	00				
Messengers .....	450	00				
					40,290	00
<b>CONTINGENCIES.</b>						
Contingencies of the Departments not otherwise provided for, including Printing, Station- ery, Advertising, Blank Books, Postages, Telegrams, Additional Clerk hire, etc.....					44,670	00
Total Civil Government.....						122,873 29
<b>CROWN LANDS EXPENDITURE.</b>						
Salaries and Expenditures of travelling agents..	2,500	00				
Surveys.....	30,000	00				
Refunds.....	10,000	00				
Board of Surveyors.....	400	00				
Agents' Salaries, Commissions and Disbursements	35,000	00				
Total Crown Lands Expenditure.....						77,900 00
<b>LEGISLATION—TWO SESSIONS.</b>						
Salary of the Speaker .....	1,000	00				
Indemnity of Members—82 at \$5 per diem....	57,400	00				
Mileage of do. ....	4,400	00				
Salary of the Clerk of the House.....	1,400	00				
do. Assistant Clerk and Accountant..	1,200	00				
do. Clerk of Committees.....	1,200	00				
do. First Office Clerk in charge of Printing, &c.....	800	00				
do. Clerk of Routine and Records....	600	00				
do. Law Clerk.....	400	00				
Salary of the Sergeant-at-Arms.....	400	00				
do. Housekeeper and Chief Messenger	500	00				
do. Sessional Messengers, Writers and Pages .....	6,000	00				
Postages and cost of House Post Office .....	4,000	00				
Stationery, including Printing Paper, Printing and Binding.....	10,000	00				
Printing, Binding, and Circulating the Statutes..	7,500	00				
Expenses of Elections.....	2,500	00				
<i>Carried Forward</i> .....	\$99,300	00			\$200,773	29



SERVICE.	\$	c.	\$	c.	\$	c.
<b>LEGISLATION—(Continued.)</b>						
Brought forward.....	99,306	00			200,773	29
Newspapers and other contingencies.....	1,250	00				
Increase of the Library.....	1,000	00				
Salary of the Clerk of the Crown in Chancery....	400	00				
	101,950	00				
Less advanced to Clerk on account.....	10,000	00			91,950	00
<b>ADMINISTRATION OF JUSTICE.</b>						
<i>Court of Chancery.</i>						
Arrears for 1867.....	1,682	11				
Salary of the Master.....	2,240	00				
do. Taxing Officer.....	1,600	00				
do. Clerk, Master's Office.....	1,000	00				
do. Junior Clerk, Master's Office.....	800	00				
do. Registrar.....	1,840	00				
do. Clerk, Registrar's Office.....	1,000	00				
do. do. do. ....	1,000	00				
do. do. do. ....	1,000	00				
do. Entering Clerk, Registrar's Office.....	600	00				
do. do. do. ....	500	00				
do. Usher and Housekeeper.....	450	00				
do. Messenger.....	265	00				
do. Surrogate Court Clerk.....	1,600	00				
			15,677	11		
<i>Court of Queen's Bench.</i>						
Arrears for 1867.....	800	88				
Salary of the Clerk of the Crown.....	1,840	00				
do. Senior Clerk.....	1,200	00				
do. Junior Clerk.....	1,000	00				
do. Clerk of the Process.....	1,400	00				
do. Assistant Clerk of the Process.....	400	00				
do. Housekeeper and Messenger.....	500	00				
do. Usher and Crier.....	160	00				
do. Assistant Messenger.....	160	00			7,460	88
<i>Court of Common Pleas.</i>						
Arrears for 1867.....	512	27				
Salary of the Clerk of the Crown.....	1,840	00				
do. Senior Clerk.....	1,200	00				
do. Junior Clerk.....	1,000	00				
do. Crier and Usher.....	160	00			4,712	27
Deputy Clerks of the Crown and Pleas.....					11,700	00
<i>Criminal Justice.</i>						
Crown Counsel, Criminal Prosecutions.....	14,950	00				
Administration of Criminal Justice.....	127,539	00			142,489	00
<i>Miscellaneous Justice.</i>						
To meet expenses of Criminal Justice in the Districts of Algoma and Nipissing, and other services.....	18,126	00				
Seals and other contingencies.....	200	00			18,326	00
Total administration of Justice.....					200,365	26
Carried forward.....					\$493,088	55

SERVICE.	\$	c.	\$	c.	\$	c.
<i>Brought forward.....</i>					\$493,083	55
PUBLIC WORKS AND BUILDINGS.						
To complete the Rebuilding, Repairing, Fitting, and Furnishing the Public Buildings.....	30,331	00				
For Fuel, Gas, Water, Improvements, Furniture, Ladders, Hose, Shelving, and other Contingencies connected with do.....	15,600	00				
Rent and Repairs of Residence of Lieutenant-Governor.....	2,216	00				
Fuel and Gas for do do	620	00				
On account of Rebuilding and Furnishing Government House.....	59,000	00				
Continuing erection new Buildings, Lunatic Asylum, Toronto.....	75,000	00				
Colonization Roads.....	50,000	00				
Insurance on Public Buildings.....	495	00				
Housekeeper for East Wing, \$400; Fireman, do, \$365; Watchman, \$365; Cleaning, \$180...	1,310	00				
					224,972	00
AGRICULTURE.						
For 73 Electoral Division Societies at \$700.....	51,100	00				
For 1 do. do. ....	550	00				
For 7 do. do. at \$350.....	2,450	00				
For 1 Fruit Growers' Association	350	00				
For Mechanics' Institute.....	2,000	00				
For Agricultural Association in lieu of the Grant of \$4,000, and of the 12½ per cent. deducted from the Electoral Division Societies' grants.	10,000	00				
					66,450	00
MISCELLANEOUS.						
Grant to the Distressed Fisherman in Nova Scotia .....	5,000	00				
Inspection of Asylums and Prisons.....	3,000	00				
Cost of the Official Gazette.....	4,000	00				
Towards facilitating the transport of passengers and freight, by steamer, between Collingwood and Fort William, touching at Ontonagon, on the south shore of Lake Superior...	11,000	00				
					23,000	00
HOSPITALS AND CHARITIES.						
Aid to Toronto Hospital, Toronto..	6,400	00				
Do do. for County Patients, do....	4,800	00				
Do. House of Industry do....	2,400	00				
Do. Protestant Orphans' Home and Female Aid Society, Toronto	640	00				
Do. Roman Catholic Orphan Asylum, Toronto.....	640	00				
Do. Lying-in-Hospital, Toronto....	480	00				
Do. Magdalen Asylum, do ....	480	00				
Do. House of Providence, do ....	320	00				
Do. Girls' Home and Public Nursery, Toronto.....	320	00				
Do. General Hospital, Kingston....	4,800	00				
Do. House of Industry and Refuge for Indigent Sick, do....	2,400	00				
<i>Carried over.....</i>	23,680	00			807,510	55

SERVICE.	\$	c.	\$	c.	\$	c.
<i>Brought forward</i> .....	\$23,680	00			\$807,510	55
HOSPITALS AND CHARITIES.— <i>Continued.</i>						
Aid to the Orphans' Home, Kingston...	640	00				
Do. Hotel Dieu Hospital, do. ....	800	00				
Do. General Hospital, London ...	2,400	00				
Do. City Hospital, Hamilton....	4,800	00				
Do. Roman Catholic Orphan Asylum, Hamilton....	640	00				
Do. Orphan Asylum and Ladies' Benevolent Society, Hamilton....	640	00				
Do. Protestant Hospital, Ottawa....	1,200	00				
Do. Roman Catholic do. do. ....	1,200	00				
In Aid of the Deaf and Dumb,.....	3,000	00				
					39,000	00
LUNATIC ASYLUMS.						
Provincial Lunatic Asylum and Branch, Toronto	77,290	00				
Malden Lunatic Asylum.....	35,314	43				
Orilla do. ....	17,884	07				
					130,488	50
REFORMATORY, PENETANGUISHENE.						
For Maintenance and Repairs.....					23,613	37
LITERARY AND SCIENTIFIC INSTITUTIONS.						
Aid to Medical Faculty, Victoria College, Cobourg	750	00				
do. School of Medicine, Kingston,.....	750	00				
do. do. Toronto,.....	750	00				
do. Canadian Institute, do. ....	750	00				
do. do. Ottawa,.....	300	00				
do. Athenæum do. ....	300	00				
					3,600	00
EDUCATION.						
For Common and Separate Schools.....	170,000	00				
Do. Poor Schools.....	2,000	00				
Do. Normal and Model Schools.....	17,000	00				
Do. Libraries, Apparatus and Prizes .....	32,000	00				
Do. Superannuated Teachers,.....	4,200	00				
Do. Museum and Library,.....	2,800	00				
Do. Journal of Education.....	1,800	00				
Do. Grammar School Inspection.....	2,000	00				
Do. Grammar Schools.....	55,000	00				
Salary of the Superintendent of Education,.....	\$4,000	00				
do. Deputy, do.....	2,200	00				
do. Senior Clerk and Accountant,.....	1,200	00				
do. Corresponding Clerk.....	900	00				
do. Statistical Clerk,.....	1,000	00				
do. Assistant do. ....	500	00				
do. Messenger,.....	365	00				
	10,165	00				
					296,965	00
<i>Carried forward</i> .....					1,300,577	42



SERVICE.	\$	c.	\$	c.	\$	c.
<i>Brought forward</i> .....					1,300,577	42
AID TO SUPERIOR EDUCATION.						
Regiopolis College, Kingston, usual grant for 1½ years.....	4,500	00				
Queen's College, Kingston, usual grant for 1½ years.....	7,500	00				
Bytown College, Ottawa, usual grant for 1½ years.....	2,100	00				
St. Michael's College, Toronto, do. do.	3,000	00				
Trinity College, Toronto, do. do.	6,000	00				
Victoria College, Cobourg, do. do.	7,500	00				
L'Assomption College, Sandwich, do. do.	1,500	00			32,100	00
To meet unforeseen and unprovided expenses.....					20,000	00
					1,352,677	42
To make good the expenditures defrayed by the Treasurer of the Province during the six months ending 31st December, 1867, as detailed in Statement No. 2 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the 13th January last.....					56,669	97
Subject to revision and correction, to make good the expenditures defrayed by the Dominion of Canada, on account of the Province of Ontario, during the six months ending 31st December, 1867, as detailed in Statement No. 5 of the "Statements of Receipts and Expenditures on account of the Province of Ontario," laid before the Legislative Assembly on the 13th January last. ....					530,765	73
Total .....					1,949,113	12

## CAP. V.

An Act to repeal Chapter twenty of the Consolidated Statutes of the late Province of Canada, entitled "*An Act respecting the Provincial Duty on Tavern Keepers*," and to make further provisions respecting the same.

[Assented to 28th February, 1868.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

Cap. 20 Con.  
Statutes of Ca-  
nada repealed.

1. Chapter twenty of the Consolidated Statutes of the late Province of Canada, entitled "*An Act respecting the Provincial Duty on Tavern Keepers*," is hereby repealed.

Duties payable.

2. There shall be paid to Her Majesty, over and above all other duties and sums payable thereon on each License, to be hereafter issued, to sell spirituous liquors to be drunk upon the premises, in any Hotel, Tavern, House, Vessel or Place, a duty of twelve dollars, if such place be within the Municipal limits of any City ; a duty of ten dollars if the same be within the Municipal limits of any Incorporated Town, and a duty of five dollars if the same be not within the limits of any such City or Town, or the License be for a Vessel.

To be collected  
by issue of  
stamped paper.

3. With a view of better collecting the said duty, the Lieutenant-Governor in Council may direct the issue of Stamped Paper, on which shall be written or printed, as he may direct, Licenses of the several values, as described in the second section, and that no Tavern License which shall not be so Stamped, and signed by the Treasurer of this Province, shall be of any effect, but the party holding an unstamped License shall be held to be unlicensed, and be liable to all penalties imposed by any Act or by any By-Law on persons selling spirituous liquors without license.

Distributors to  
be appointed.

4. One or more person, in every County and City in this Province, may be appointed to deliver and distribute such Licenses to any Municipal Corporation, applying for the same—for which service he shall be allowed, on each license, ten per cent. on the amount thereof, and he shall counter-sign every License issued by him.

Duties to form  
part of the  
Con. Rev.  
Fund.

5. The sums received for such Duties, shall form part of the Consolidated Revenue Fund of this Province.

Forgery of  
stamped paper.  
Felony.

6. If any person forges, counterfeits, or imitates, or procures to be forged, counterfeited, or imitated, any Stamp or Stamped Paper

Paper, issued or authorised to be issued for the purposes of this Act, or knowingly uses, offers, sells, or exposes to sale, any such forged, counterfeited, or imitated stamp or stamped paper, or engraves, cuts, sinks, or makes any plate, die, or other thing whereby to forge, counterfeit, or imitate such stamp or stamped paper, or any part thereof, or uses or has possession of any plate, die, or other thing lawfully engraved, cut or made for the purposes of this Act, except by permission of the Treasurer of this Province, or of some officer or person who, under an Order in Council in that behalf may lawfully grant such permission, or tears off or removes from any instrument on which a duty is payable under this Act, any stamp by which such duty has been wholly or in part paid, or removes from any such stamp or stamped paper any writing or mark, indicating that it has been used for or towards the payment of any such duty, such person shall be guilty of felony, and shall on conviction be liable to be imprisoned in the Provincial Penitentiary for any term not exceeding twenty-one years, and every such offence shall be Forgery within the meaning and purview of Chapter ninety-four of the Consolidated Statutes of the late Province of Canada, entitled "An Act respecting forgery," and all the provisions of that Act shall apply to every such offence, and to principals in the second degree, and accessories, as if such offence were expressly mentioned in the said Act.

Felony

Con. Stat. Ca.  
c. 94 to apply.

## CAP. VI.

An Act to repeal Chapter 13, of the Consolidated Statutes of Canada, so far as the same relates to Ontario;—to authorize the publication of an *Ontario Gazette*, and to make provision for Inquiries concerning public matters and official notices.

[Assented to 28th February, 1868.]

HER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Whenever the Lieutenant-Governor in Council deems it expedient to cause Inquiry to be made into and concerning any matter connected with the good government of this Province, or the conduct of any part of the public business thereof, or the administration of Justice therein, and such inquiry is not regulated by any special law, the Lieutenant-Governor may, by the commission in the case, confer upon the Commissioners or persons by whom such inquiry is to be conducted, the power of summoning before them any party or witnesses, and of requiring

The Lieutenant Governor appointing Commissioners for inquiring into matters relative to the public business of the Province may empower them to receive evidence on oath.



requiring them to give evidence on oath, orally or in writing, (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such Commissioners deem requisite to the full investigation of the matters into which they are appointed to examine.

Power to examine witnesses on oath.

Wilful false statement to be perjury.

Proviso.

2. The Commissioner or Commissioners shall then have the same power to enforce the attendance of such witnesses, and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false statement made by any such witness, on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such party or witness shall be compelled to answer any question, by his answer to which he might render himself liable to a Criminal Prosecution.

Lieut.-Governor in Council may authorize publication of Ontario Gazette

Advertisements required by any Act or Law shall be inserted in the Ontario Gazette only, unless another mode is directed.

Part of Con. Stat. C. c. 13 repealed.

3. The Lieutenant-Governor in Council may authorize the publication of an Official Gazette, to be called the Ontario Gazette—for the publication of Proclamations, Official and other Notices, and of all such matters whatsoever as may be from time to time desired, and that all Advertisements, Notices or Publications which, by any Act or Law in force in this Province, are required to be given by the Provincial Government or any Department thereof, or by any Sheriff or other officer, or by any Municipal authority, or by any officer, person or party whomsoever, shall be given in the Ontario Gazette, unless some other mode of giving the same be directed by Law; and if in any Act in force in Ontario, of the late Province of Upper Canada, or of the late Province of Canada, any such Notice is directed to be given in the Upper Canada Gazette by authority, or in the Canada Gazette—the Ontario Gazette shall be understood to be intended; and any provision in the Act, Chapter thirteen, of the Consolidated Statutes of Canada, which heretofore related or extended to that part of the late Province of Canada, now Ontario, is hereby repealed.

## CAP. VII.

An Act to Repeal chapter one hundred and ten of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Inspectors of Public Asylums, Hospitals, the Provincial Penitentiary of Canada, and of all Common Gaols and other Prisons," so far as relates to the Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons, except the Provincial Penitentiary, in this Province; and to the Inspection of such Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons.

[Assented to 28th February, 1868.]

**W**HEREAS, it is enacted by the British North American Act, 1867, Sec. ninety-two, that the Legislature may make laws relating, amongst other things, to the establishment, maintenance and management of Public and Reformatory Prisons in and for the Province, and the establishment, maintenance and management of Hospitals, Asylums, Charities and other Eleemosynary Institutions in and for the Province, other than Marine Hospitals: And, whereas, it is expedient to repeal so much of the Statute number one hundred and ten of the Consolidated Statutes of the late Province of Canada, called and known as "The Prison and Asylum Inspection Act," as relates to the Public Asylums, Common Gaols and other prisons, except the Provincial Penitentiary, and the inspection thereof: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. All and every clause or clauses, provision or provisions of the said Act, Chapter one hundred and ten of the Consolidated Statutes of the late Province of Canada, intituled "An Act respecting Inspectors of Public Asylums, the Provincial Penitentiary of Canada, and of all Common Gaols and other prisons," or in any other Act contained relating to the Public Asylums, Hospitals, Common Gaols, Reformatory and other Prisons in this Province (except the Provincial Penitentiary) and to the inspection thereof, are hereby repealed.

Certain provisions of Chap. 110 of the Consolidated Statutes of Canada repealed.

2. The rules and regulations for the government of such Public Asylums, Hospitals, Common Gaols, Reformatory and other prisons in this Province, in force at the time of the passing of this Act, may from time to time be amended, altered, changed, rescinded or suspended, by order of the Lieutenant-Governor in Council.

Rules and Regulations in force.

## CAP. VIII.

## An Act to secure Free Grants and Homesteads to actual Settlers on the Public Lands.

[Assented to 28th February, 1868.]

## Preamble.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

## Short title of Act.

1. This Act shall be called and known as "The Free Grants and Homestead Act of 1868," and may be so cited or designated in all Acts or proceedings whatsoever.

## Short title of Land Act of 1860.

2. The Statute of the Parliament of the late Province of Canada, passed in the twenty-third year of Her Majesty's Reign, entitled "An Act respecting the Sale and Management of the Public Lands," may be cited and designated in all Acts and proceedings as "The Public Lands Act of 1860," and is the Act hereinafter so designated.

## Section 13 of Land Act of 1860 repealed.

3. The thirteenth Section of "The Public Lands Act of 1860" is hereby repealed, except that Patents may issue for all lands heretofore located as free grants under that Section as if this Act had not been passed.

## Free Grants may be made to actual Settlers.

4. The Lieutenant-Governor in Council may appropriate any Public Lands considered suitable for settlement and cultivation, and not being Mineral Lands or Pine Timber Lands, as Free Grants to actual Settlers, under such regulations as shall from time to time be made by Order in Council, not inconsistent with the provisions of this Act.

## Such Grants to be confined to lands within certain territory.

5. Such grants or appropriations shall be confined to lands surveyed or hereafter to be surveyed, situate within the tract or territory composed of the Districts of Algoma and Nipissing, and of the lands lying between the Ottawa River and the Georgian Bay, to the west of a line drawn from a point opposite the south-east angle of the Township of Palmerston north-westerly along the western boundaries of the Townships of North Sherbrooke, Lavant, Blithfield, Admaston, Bromley, Stafford and Pembroke to the Ottawa River, and to the north of the rear or northerly boundaries of the Townships of Oso, Olden, Kennebec, Kaladar, Elzevir, Madoc, Marmora, Belmont, Dummer, Smith, Ennismore, Somerville, Laxton, Carden, Rama, and of the River Severn.

## Locatee defined.

6. The person to whom any land may be allotted or assigned under such regulations for a free grant thereof, shall be considered as located for said land within the meaning of this Act, and is hereinafter called the Locatee thereof.



7. No person shall be located for any land under this Act or said regulations unless such person shall be of the age of eighteen years or upwards, nor shall any person be so located for any greater quantity than one hundred acres.

Who may be located and for what quantity of land.

8. Before any person shall be located for any land as aforesaid, such person shall make affidavit to be deposited with the Agent authorized to make such location, that he or she has not been located for any land under this Act or under said regulations, and that he or she is of the age of eighteen years or upwards, and believes the land for which he or she applies or desires to be located, is suited for settlement and cultivation, and is not valuable chiefly for its mines, minerals or pine timber, and that such location is desired for his or her benefit and for the purpose of actual settlement and cultivation of such land, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever, nor for the purpose of obtaining, possessing or disposing of any of the pine trees growing or being on the said land, or any benefit or advantage therefrom, or any gold, silver, copper, lead, iron, or other mines or minerals, or any quarry or bed of stone, marble or gypsum thereon.

Affidavit to be made by party desiring location.

9. No patent shall issue for any land located under this Act or under said regulations until the expiration of five years from the date of such location, nor unless nor until the Locatee or those claiming under him or her or some of them shall have performed the following settlement duties, that is to say: shall have cleared and have under cultivation at least fifteen acres of the said land, whereof at least two acres shall be cleared and cultivated annually during the five years next after the date of the location, to be computed from such date, and have built a house thereon fit for habitation at least sixteen feet by twenty feet, and shall have actually and continuously resided upon and cultivated the said land for the term of five years next succeeding the date of such location, and from thence up to the issue of the Patent, except that the Locatee shall be allowed one month from the date of the location to enter upon and occupy the land, and that absence from the said land for in all not more than six months during any one year (to be computed from the date of the location) shall not be held to be a cessation of such residence, provided such land be cultivated as aforesaid.

Patent not to issue before expiration of Five Years.

Settlement duties required.

On failure, in performance of the settlement duties aforesaid, the location shall be forfeited, and all right of the Locatee, or of any one claiming under him or her, in the land, shall cease.

Location to be forfeited if Settlement Duties not performed.

10. All Pine trees growing or being upon any land so located, and all gold, silver, copper, lead, iron, or other mines or minerals, shall be considered as reserved from said location, and shall be the property of Her Majesty, except that the Locatee or those claiming under him or her, may cut and use such trees as may be necessary for the purpose of building, fencing,

Timber, Minerals, &c., reserved.

Locatee may use timber for building and fencing, &c., on the land.

May also cut and dispose of timber within limits of actual clearing.

Timber cut to be subject to dues.

On death of Locatee widow to have estate during her widowhood.

Widow may elect to have her dower.

Land not to be alienated &c., before issue of Patent.

After issue of Patent, alienation, &c., when to be by deed of Locatee and wife jointly.

Exemption from liability for debt before issue of Patent.

Exemption after issue of Patent.

fencing, and fuel, on the land so located, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivation, but no pine trees (except for the necessary building, fencing, and fuel as aforesaid,) shall be cut beyond the limit of such actual clearing before the issuing of the Patent, and all pine trees so cut and disposed of (except for the necessary building, fencing, and fuel as aforesaid,) shall be subject to the payment of the same dues, as are at the time payable by the holders of licenses to cut timber or saw logs. All trees remaining on the land at the time the Patent issues, shall pass to the Patentee.

**11.** On the death of the Locatee, whether, before or after the issue of the Patent for any land so located, all his then right and interest in and to such land shall descend to and become vested in his widow during her widowhood in lieu of dower, in case there be such widow surviving such Locatee; but such widow may elect, to have her dower in such land in lieu of the provision aforesaid.

**12.** Neither, the Locatee, nor any one claiming under him or her, shall have power to alienate, (otherwise than by devise) or to mortgage or pledge any land located as aforesaid, or any right or interest therein before the issue of the Patent.

**13.** No alienation (otherwise than by devise), and no mortgage or pledge of such land, or of any right or interest therein by the Locatee after the issue of the Patent, and within twenty years from the date of such location, and during the life-time of the wife of such Locatee, shall be valid or of any effect, unless, the same be by Deed, in which she shall be one of the grantors with her husband, nor unless such Deed is executed by her in the same presence, and there are the same examination and certificate and at the same time, as shall be at the date of such deed required by Law in the case of married women conveying their real estate.

**14.** No land located as aforesaid, nor any interest therein shall in any event be or become liable to the satisfaction of any debt or liability contracted or incurred by the Locatee, his widow, heirs, or devisees, before the issuing of the Patent for such land: After the issuing of the Patent for any such land, and while such land or any part thereof or any interest therein is owned by the locatee or his widow, heirs, or devisees, such land, part or interest, shall during twenty years next after the date of such location be exempt from attachment, levy under execution, or sale for payment of debts, and shall not be or become liable to the satisfaction of any debt or liability contracted or incurred before or during that period, save and except any debt secured by a valid mortgage or pledge of such land made subsequently to the issuing of the Patent therefor.

**15.** Nothing in this Act shall be construed to exempt any land from levy or sale for rates or taxes, now or hereafter legally imposed.

Exemption not to extend to taxes.

**16.** Every patent to be issued for any land located as aforesaid shall state in the body thereof, the name of the original Locatee of the said land, and the date of the said location, and that the said Patent is issued under the authority of this Act.

Patents to state date of location, &c.

**17.** This Act shall be taken and read as part of "The Public Lands Act of 1860."

This Act to be taken as part of 23 V., c 2.

## CAP. IX.

### An Act respecting Voluntary Conveyances.

[Assented to 28th February, 1868.]

**WHEREAS** it is expedient to amend the Law respecting Voluntary Conveyances: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

**1.** Notwithstanding the provisions of the statute passed in the twenty-seventh year of the reign of her late Majesty Queen Elizabeth, and chaptered four, no conveyance, grant, charge, lease, estate, encumbrance, limitation of use or uses which is executed in good faith, and duly registered in the proper Registry Office before the execution of the conveyance to and before the creation of any binding contract for the conveyance to any subsequent purchaser from the same grantor of the same lands, tenements, or hereditaments, or any part or parcel thereof, or any rent, profit or commodity in or out of the same, shall be or be deemed or taken to be merely by reason of the absence of a valuable consideration void, frustrate, or of none effect as against such purchaser, or his heirs, executors, administrators or assigns, or any person claiming by, from, or under any of them.

Notwithstanding 27th Elizabeth, c. 4 no voluntary conveyance, &c., executed in good faith and duly registered to be void merely from absence of valuable consideration.

**2.** Nothing in this Act contained shall have the effect of making valid any instrument which is for any reason other than or in addition to the absence of a valuable consideration void under the said Statute or otherwise; nor shall anything in this Act contained have the effect of making valid any instrument as against any purchaser who has, before the passing of this Act, entered into a binding contract for or received his conveyance upon such purchase.

Not to render valid instruments otherwise void.

**3.** This Act may be cited for all purposes as "The Voluntary Conveyances Act (1868)."

Title.

CAP.



## CAP. X.

An Act to amend the Act, 29th Vic., cap. 24, entitled an "Act respecting Registrars, Registry Offices and the Registration of Instruments relating to Lands in Upper Canada."

[Assented to 28th February, 1868.]

Preamble.

Registration of  
Titles Act Sec.  
23.

WHEREAS no provision is made by Law for the payment by a City in which a separate Registry Office has not been established, of any portion of the fees and allowances for services required under section number thirty-three of the "Registration of Titles (Upper Canada) Act," but the payment thereof devolves exclusively upon the County within which such City may be situated, and it is reasonable that the portion of such expenses relating exclusively to the Registration of Titles within the limits of such city should be defrayed by the Corporation of such City.

Her Majesty therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Cities to pay  
proportionate  
share of fees.

I. Notwithstanding anything in the said Act contained, it shall and may be lawful for the Corporation of any such City to defray from any moneys belonging to the Corporation, the sum agreed upon between the said Corporation and the Corporation of the County within which such City may be situate, as the amount fairly and equitably payable by the Corporation of such City, as its proportion of the said fees and allowances.

## CAP. XI.

An Act to remove doubts as to the authority of certain Commissioners to take Affidavits and Bail.

[Assented to 28th February, 1868.]

Preamble.

Con. Stat. U.C.,  
c. 39, s. 1.

WHEREAS, it is expedient to remove doubts, respecting the authority of Commissioners appointed under the provisions of chapter thirty-nine of the Consolidated Statutes of Upper Canada, section one, for a union of Counties within this province, to continue to act as such Commissioners and to take and receive Affidavits, Affirmations and Bail, in and for the Junior County, after its separation from such Union of Counties. Therefore, Her Majesty, by and with the advice and consent  
of

of the Legislative Assembly of the province of Ontario, enacts and declares as follows:

1. All Commissioners appointed under the said Act, for any Union of Counties, and resident within the Junior County or any City set apart from a County for judicial purposes, at the time of the separation thereof from such union, have had since such separation, and still have and may exercise the same powers within such Junior County or City to take and receive Affidavits, Affirmations and Bail, as if they had received their commissions or appointments, respectively for such junior County at the time of the separation of such union of counties, anything in any law or statute to the contrary notwithstanding.

Commissioners for United Counties resident in Junior County or City, may after separation, act for Junior County or City

2. No such Commissioner shall, after the passing of this Act, have or exercise any such powers by virtue of such commission, save in such Junior County.

And for Junior County only.

## CAP. XII.

An Act for the better protection of Game in the Province of Ontario.

[Assented to 28th February, 1868.]

WHEREAS it is expedient to amend the Law respecting Game in the Province of Ontario: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. From and after the passing of this Act, the Act intituled "An Act for the better protection of Game in Upper Canada," passed in the twenty-third year of Her Majesty's reign, chapter fifty-five shall be and the same is hereby repealed.

Repealing Clause.

2. No Deer or Fawn, Elk, Moose or Cariboo, shall be hunted, taken or killed, between the first day of December and the first day of September in any year.

Deer, Fawn, Elk, and Cariboo.

3. No Wild Turkey, Grouse, Pheasant, Partridge, or Hare, shall be hunted, taken or killed, between the first day of January and the first day of September in any year.

Wild Turkey, Grouse, and Partridge.

4. No Quail shall be taken or killed between the first day of January and the first day of October, in any year.

Quail.

5. No Woodcock or Snipe shall be taken or killed between the first day of March and the first day of September, in any year.

Woodcock, or Snipe.

Swan, Goose,  
or Wild Duck.

**6.** No Wild Swan, Goose, or any description of wild Duck, shall be hunted, taken, or killed, between the first day of March and the first day of September, in any year.

No Wild Tur-  
key, Grouse,  
Partridge, &c.,  
to be trapped.

**7.** No Wild Turkey, Grouse, Pheasant, Partridge, Quail, Woodcock, Snipe, Hare, or any description of Wild Duck, shall be trapped or taken by means of traps, nets, snares, springs, or other means of taking such birds or Hares, other than by shooting, at any time whatever: nor shall any trap, net, or snare, be made, erected, or set, either wholly or in part, for the purpose of such trapping or taking.

Batteries; sun-  
ken punts, &c.,  
prohibited.

**8.** It shall not be lawful for any person or persons to use batteries or sunken punts, in the hunting, taking, or killing of any Wild Swan, Goose, or any kind of Duck whatever.

No deer to be  
trapped.

**9.** No Deer, or Fawn, Elk, Moose or Cariboo shall be trapped or taken by means of traps or snares at any time whatever, nor shall any traps be set or erected for the purpose of such trapping or taking.

Animals and  
Hides not to  
be in posses-  
sion of parties  
during periods  
stated.

**10.** No person or persons shall have in their possession any of the animals or their hides, or any of the birds hereinbefore mentioned, within the periods above respectively prohibited without lawful excuse, the proof whereof to be on the party charged: nor shall any sale of any of the Game mentioned in this Act take place later than within fourteen days from the termination of the several periods hereinbefore respectively fixed for the killing thereof: nor shall any possession for the purpose of sale be deemed lawful, save within such periods of fourteen days.

No Game  
Birds' Eggs to  
be destroyed.

**11.** No eggs of any kind of the birds above enumerated and hereby declared to be game, shall be taken or destroyed at any time.

Summary con-  
viction on com-  
plaint.

**12.** Any offence against any provision of this Act shall be punished summarily, on information, and conviction before a Justice of the Peace, by a fine not exceeding twenty-five dollars nor less than two dollars, for each head of game killed in contravention hereof, in the discretion of such Justice, with costs; or in default of payment, by imprisonment in a common gaol for a term not exceeding thirty days; one half of the fine to go to the Municipality and the other half to the informer.

Confiscation of  
game illegally  
taken or killed.

**13.** In all cases, confiscation of the Game shall follow conviction; and the game so confiscated shall be given to some charitable institution or purpose, at the discretion of the convicting Justice.



**14.** Any person may destroy traps, nets, or snares, set or erected, either wholly or in part in contravention of any provision of this Act. Traps or snares may be destroyed.

**15.** And whereas it is desirable to prevent the destruction of certain animals at seasons of the year when their furs are of little or no value. It is further enacted that no Beaver, Muskrat, Mink, Sable, Otter, or Fisher, shall be trapped, hunted, taken or killed, nor shall any trap or snare be laid for the same or any of them, between the first day of May and the fifteenth day of November in any year, and all persons violating this Section of this Act shall be liable to the same proceedings and penalties, to be enforced and recovered in the same way as are above declared with respect to game. Protection of furs.

**16.** In order to encourage persons who have or may hereafter import different kinds of game with a desire to breed and preserve the same on their own lands in this Province, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may have been bred. Game imported for breeding not to be killed.

### CAP. XIII.

An Act to amend the Act Incorporating the Wellington, Grey and Bruce Railway Company.

*[Assented to 28th February, 1868.]*

**W**HEREAS the Wellington, Grey and Bruce Railway Company have by their Petition set forth that various Municipalities, to the North and North-west of the Town of Guelph, being deeply interested in the establishment of Railways, and being at present destitute of proper facilities for communicating with the various produce markets of the Province, are desirous of aiding their undertaking by free grants or donations of Debentures by way of bonus, but that no means at present exist, by law, of granting such proposed aid, except by the subscription of stock, which the said Municipalities are desirous of avoiding; Preamble.

And whereas several of such Municipalities have, nevertheless, by By-Laws, duly approved of by the Electors and passed by the Councils of such Municipalities respectively, authorized and empowered their Reeve or Chief Officer to subscribe for shares in the capital stock of the said Railway, and to issue Debentures therefor, under and subject to certain stipulations and conditions referred to in the several By-Laws, and the agreements By-Laws already passed for shares.

agreements made and entered into, between such Municipalities and the Directors of the said Railway, with the view and intention, nevertheless, as expressed in such By-Laws, of making a free gift of such Debentures to the said Railway Company, and applying for Legislative authority so to do; and the said Railway Company have prayed for such amendments to their Charter as will enable such Municipalities fully to carry out their intention to aid their said undertaking, and for certain other powers in reference to the issue of Bonds, and it is expedient to grant the prayer of the said petition;

Her Majesty, therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

The same to be valid.

1. The several By-Laws, so passed and approved, and the Debentures issued, or to be issued thereon, are hereby declared to be good and valid in Law, although the Reeve or other Chief Officer of the Municipality, passing the same, may not have subscribed for stock in the said undertaking, and the several agreements made and entered into between the Directors of the said Railway Company and such Municipalities, or which may be so entered into, for the purpose of securing the due performance of the conditions contained in such by-laws, are declared to be valid and binding, anything in the Municipal Institutions Act of Upper Canada, to the contrary in any wise notwithstanding.

Other municipalities may aid.

2. It shall be lawful for any other Municipality interested in the said undertaking, to pass a by-law or by-laws authorizing similar aid to the said Railway, by the issue of Debentures upon such terms, and subject to such restrictions and conditions as may be mutually agreed on between such Municipality and the Directors of the Railway, and the Directors, for the time being, are authorized and empowered, on behalf of the Company, to enter into an agreement or agreements for the due performance of any such terms and conditions as may be contained in such By-Law, or may be mutually agreed upon between the said Directors and the Council of such Municipality. Provided always, that any such By-law to be valid shall be made in conformity with the laws of this Province, respecting Municipal Institutions.

No interest thereunder claimable in Railway.

3. The several municipalities which have passed, or may hereafter pass by-laws for such donation, by way of bonus, shall not be entitled to claim any interest in the said Railway as shareholders, nor be liable as such for any debt, obligation or contract of the Company.

Variation of Line of Railway.

4. It shall be lawful for the Municipal Council of the several Municipalities making such by-laws, upon the request of the Company, to make such alterations and variations in the conditions thereof, as to the line of the route mentioned therein, as  
may

may be necessary to form a continuous and direct line in connection with that laid down in the By-Law of an adjoining municipality, or as an actual survey of the line may render necessary or expedient, and such alteration shall be as valid and effectual as if the same had been contained in the original By-Law, and the agreement of the Directors relating thereto. Proviso. Provided always, that nothing herein contained shall be construed as authorizing the said Council to sanction any deviation from the line so laid down, beyond what may be necessary to form such direct and continuous line through the adjoining Townships, as aforesaid, or as may be rendered necessary from natural difficulties.

5. It shall, nevertheless, be lawful for such Council, with the assent of the Ratepayers, at the request of the Railway Company, from time to time to make such alterations in the conditions of such by-laws as may be found necessary or expedient, due notice being given for the same period and in the same manner as is required under the one hundred and ninety-sixth Section of the Municipal Act, and a copy of any By-law containing such alteration shall be forthwith transmitted to the Treasurer of the Province of Ontario. Conditions of by-laws may be altered.

6. The twenty-second clause of the Company's Charter is hereby repealed, and in lieu thereof, it is enacted, that the Directors of the Company shall have power from time to time, upon being duly authorized thereto, by a vote of the majority of the shareholders present in person, or by proxy, at a meeting of the Company, duly called for that purpose, to issue their Bonds, made and signed by the President or Vice-President of the Company, and countersigned by the Secretary, and under the seal of the Company, for the purpose of raising money for prosecuting the undertaking. And such Bonds shall be considered privileged claims upon the property of the Company, and shall be a charge upon the Railway, without Registration. Provided always that the whole amount of such bonds shall not exceed the Capital Stock of the Company, and the sums so granted by way of bonus at the time of the issue of such bonds: Provided, however, that no such bonds shall be issued until ten per centum of such sums granted by way of bonus, and of such subscribed Stock shall have actually been paid in and expended on works upon such Railway, and that the whole amount raised by such bonds shall not at any time be in excess of the amount actually paid up by such Municipal Debentures, and on such Share Capital at the time of the issue of such bonds. Repeal of 22nd clause of Company's Charter.



## CAP. XIV.

## An Act for the Incorporation of the Erie and Niagara Extension Railway Company.

[Assented to 28th February, 1868.]

## Preamble.

WHEREAS An Act was passed by the Parliament of the then Province of Canada, in the Twenty-seventh Year of the Reign of Her Majesty, intituled "The Erie and Niagara Railway Company Act of 1863," under which the said Company has constructed its line of Railway from the Village of Fort Erie to the Town of Niagara; And whereas the said Company and a large number of Municipalities have, by their Petitions, represented that it would be greatly to the advantage of a large and important section of this Province, that a Railway should be constructed from some point at or near the Village of Fort Erie, to some point in the County of Essex, so as to pass through the Counties of Haldimand, Norfolk, Elgin, Oxford and Kent, and through or in the vicinity of the County of Middlesex; And whereas it is expedient to grant the prayer of the Petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

## Provisional Directors.

1. For the construction of the said line of Railway, the following persons, viz: William A. Thomson, Adam Crooks, Colin Munro, John Duck, Shelton Sturgis, Horatio Newcomb, C. A. DeGraff, Henry J. Killmaster, Thomas M. Nairn, Richard Graham, John Smith, John Wright, and A. P. Farrell, together with such other persons as may become Shareholders in the Company, hereby incorporated, are hereby ordained and declared to be a body Corporate under the name of "The Erie and Niagara Extension Railway Company."

## Railway Act to apply.

2. The several clauses of the Act Chaptered sixty-six, of the Consolidated Statutes of the former Province of Canada, intituled "An Act respecting Railways," with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses of the said Act in respect to "Interpretation," "Incorporation Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors—their Election and Duties," "Calls," "Shares and their Transfer," "Municipalities," "Shareholders," "Actions for Indemnity," and "Fines and Penalties, and their Prosecution," "By-laws, Notices, &c.," "Working of the Railway," and "General Provisions," are hereby Incorporated with this Act, but in so far only as the said Clauses, or any part thereof respectively, may be construed to have reference to any act, deed, matter or thing to be done, executed, fulfilled or performed within the limits of the Province of Ontario.

3. The said Company shall have power to construct a line of Railway from a point in the Township of Bertie, at or near the Village of Fort Erie, passing through the Town of Saint Thomas, to some point in the County of Essex, in or near the Town of Sandwich, or the Town of Windsor, and to construct a branch from the main line to some point in, or near the Town of Amherstburgh. Line of Railway.

4. The Capital Stock of the said Company shall be Five Millions of Dollars, divided into Fifty Thousand Shares of One Hundred Dollars each. Capital Stock.

5. The persons named in the first clause hereof are constituted the Board of Provisional Directors of the said Company, and shall hold office as such until the first election of Directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open Stock Books, and procure subscriptions of Stock for the undertaking, giving at least four weeks previous notice by advertisement in the newspapers hereinafter mentioned, and in the *Ontario Gazette*, of the time and place of their meeting, to receive subscriptions of Stock; and the said Provisional Directors may cause surveys and plans to be made and executed; and to acquire any plans and surveys now existing, and it shall be their duty, as hereinafter provided, to call a general meeting of Shareholders for the Election of Directors. Powers of Provisional Directors.

6. No subscription of Stock in the Capital of the said Company shall be legal or valid, unless Ten per centum shall have been actually and *bona fide* paid thereon, within five days after subscription, into one or more of the chartered banks of this Province, to be designated by the said Directors, and such ten per centum shall not be withdrawn from such bank, or otherwise applied, except for the purposes of such Railway, or upon the dissolution of the Company from any cause whatever; and the said Directors or a majority of them may, in their discretion, exclude any persons from so subscribing, who, in their judgment, would hinder, delay, or prevent the said Company from proceeding with and completing their undertaking under the provisions of this Act; and if more than the whole stock shall have been subscribed, the said Provisional Directors shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said Directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, this will best secure the building of the said Railway. No subscription valid unless ten per cent. paid thereon.

7. So soon as Two Million Dollars of the said Capital Stock shall have been subscribed, as aforesaid, and Ten per centum *bona fide* paid thereon, and deposited in one or more of the chartered banks of this Province, for the purposes of the Company, Powers of Directors.

Directors to call meetings of shareholders.

pany,

pany, the hereinbefore mentioned Directors, or a majority of them, shall call a meeting of the Shareholders of the said Company, at such time and place as they may think proper, giving at least two weeks notice in one or more newspapers published in the Counties of Welland, Elgin, Norfolk, Kent, Haldimand, Middlesex, Oxford, and Essex, and in the *Ontario Gazette*, respectively, at which meeting the Shareholders shall elect Nine Directors from the Shareholders possessing the qualifications hereinafter mentioned, which Directors shall hold Office until the next annual general meeting of the Shareholders as hereinafter provided.

Advertisements  
Meeting for  
election of Di-  
rectors.

8. The annual general meeting of the Shareholders for the Election of Directors and other general purposes, shall be held at the Village of Fort Erie, or elsewhere, within this Province, as may be appointed by by-law, on the first Wednesday in the month of June in each year, and two weeks previous notice thereof shall be given by publication in newspapers, as provided in the last preceding clause.

Qualification.

9. No person shall be elected a Director of the said Company, unless he shall be the holder and owner of at least Twenty Shares in the Stock of the said Company, and shall have paid up all calls made thereon.

Calls.

10. No call to be made at any time upon the said Capital Stock shall exceed Ten per centum on the subscribed capital.

Special meeting.

11. Whenever it shall be deemed expedient by the Board of Directors, that a special general meeting of the Shareholders shall be convened, the same may be done by advertisement, to be published in the manner last hereinbefore mentioned, and by circulars addressed by post to each Shareholder, at his last known or usual place of address, not less than two weeks previous thereto, and the special object of the said meeting shall be distinctly set forth in such advertisement and circular.

Conveyances.

12. All deeds and conveyances for land required by the said Company may be in the form given in Schedule A. annexed, and all Registrars are required to register the same on the production of a duplicate thereof, with an affidavit of due execution, and for so doing the Company shall pay to the said Registrar for so doing the fee of two shillings and six pence, and no more.

Bonds.

13. The Directors of the said Company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company and countersigned by the Secretary and Treasurer and under the seal of the said Company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall



shall without registration or formal conveyance be taken and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of five million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital and of the amount which has been actually expended in surveys and in works of construction upon the line; and Provided, also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges and qualifications for Directors and for voting as are attached to Shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Mode of Issue.

14. Two million dollars, at least, of the said capital stock shall be subscribed, and the said deposit in cash of ten per centum thereon shall be made, and the said line of Railway be *bona fide* commenced within two years from the passing of this Act; and at least one million of dollars shall be *bona fide* expended in works of construction thereon within three years from the passing of the said Act; and in default of any one of the said several foregoing requirements, then this Charter and the privileges thereby conferred shall become forfeited.

When work to be commenced, and conditions.

15. The said Line of Railway, shall be completed within five years from the passing of this Act.

To be completed in five years.

16. The Gauge of the said Railway shall be five feet six inches, with power to lay down a third or more rails of another gauge, as the Directors may determine upon.

Gauges.

17. This Act may be cited as the "Erie and Niagara Extension Railway Act of 1868."

Title.

#### SCHEDULE A.

Know all men by these Presents, that I,  
 , of  
 do hereby, in consideration of  
 paid to me by the Erie and Niagara Extension Railway Company, (the receipt whereof I do hereby acknowledge,) do grant and confirm to the said Company, its Successors and Assigns,  
 for

for ever, all that certain Parcel of Land situate

for the purpose of their Railway. And I,  
the Wife of the said \_\_\_\_\_, do hereby release  
my Dower on the said Lands.

As witness \_\_\_\_\_ hand and seal this \_\_\_\_\_ day of  
One Thousand Eight Hundred and Sixty  
Signed, Sealed and Delivered }  
in the presence of \_\_\_\_\_ }

## CAP. XV.

An Act to Incorporate the Ontario College at Picton.

[Assented to 28th February, 1868.]

Preamble.

**W**HEREAS the Right Rev. John Travers Lewis, Doctor of Divinity; The Lord Bishop of the Diocese of Ontario; The Venerable Henry Patton, Doctor of Civil Law; The Archdeacon of the Diocese of Ontario; James A. Henderson, Esquire, Doctor of Civil Law; J. Cartwright, Esquire, Bachelor of Arts; J. P. Downes, Esquire, and others, have by their petitions represented, that a very large sum of money has been subscribed and raised in this Province, for the purpose of founding and establishing a College, for the Education of Youth in the higher branches of classical and scientific knowledge, at the Town of Picton in the County of Prince Edward; that the said sum has been presented to the Lord Bishop of Ontario, for the purpose aforesaid, and that the said College has been established and is now being carried on, and have prayed that corporate powers may be conferred on the said College.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

College to be  
composed of  
parties named  
&c., &c.

**1.** That the said College, which shall be composed of the Lord Bishop of the Diocese of Ontario, for the time being; The very Rev. James Lyster, the Dean; and the Venerable Henry Patton, L. L. D.; The Archdeacon of the Diocese of Ontario; the Reverend C. J. Boswell, D. C. L.; the Reverend W. Bleasdel, M. A.; the Honorable John Hamilton, (Hawkesbury); James A. Henderson, D. C. L.; J. P. Downes; James Cartwright, B. A.; Philip Low, Q. C.; F. McAnnary, W. B. Simpson, G. A. Kirkpatrick, B. A.; Godfrey Baker, Esquire, and the Head Master and their successors, shall be and are hereby constituted a Body politic and corporate in deed and in name, by and under the name of "The Corporation of Ontario

A body politic.

Ontario College," and by that name shall have perpetual succession and a common seal, and by such name may from time to time and at all times hereafter, purchase, acquire, hold, possess and enjoy, and may have, take and receive, for them and their successors, to and for their actual use and occupation only, any lands, tenements and hereditaments, and real and immoveable property and estate within this Province, so as the annual value of the same does not exceed Eight thousand dollars: Provided always that such real estate so held by the said College hereby incorporated shall be such and such only as may be absolutely required for the purposes of College buildings and offices, residences for the Professors, Tutors, Students and officers, with gardens, or pleasure grounds pertaining thereto and immediately in the vicinity of such College grounds, and including a farm not to exceed one hundred acres, for the purposes of such College only; and the same may mortgage, sell, alienate and dispose of, whensoever they may deem it proper to do so; and the Corporation may further acquire any other real estate or interest therein, so as the same does not exceed the annual value of Five thousand dollars, by gift, devise or bequest, if made at least six months before the death of the party making the same; and the College may hold such estate and interest therein for a period of not more than seven years, and the same or any part or portion thereof or interest therein which may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or other representatives, and the proceeds of such property as shall have been disposed of during the said period may be invested in the Public Securities, County Municipal Debentures, Mortgages, or other approved securities, for the use of the Corporation.

Common Seal

May purchase and hold real and personal estate not exceeding \$8,000.

And other estate by donation not exceeding annual value of \$5,000

2. The persons named in the first section of this Act shall compose the first Council of the Corporation, and the Council for the time being shall have power to frame a Constitution for the said Corporation and to alter the same when it shall be deemed expedient, and to make all such by laws, rules and regulations for the admission into and general management of the said College not being contrary to this Act or to the laws in force in this Province, as shall be deemed useful or necessary for the interest of the said Corporation and for the payment of officers, masters, teachers and employees, and generally for all purposes relative to the conduct and well working of the Corporation and the management and business thereof, and from time to time to repeal, alter and amend such by-laws or any of them, and shall have power to appoint such officers, masters, teachers and servants as they deem right, for the management of the said College, and to remove them at pleasure and appoint others in their places, and shall and may do, execute and perform, all and singular, other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless

First Council, and their powers.

Make by-laws.

Repeal and alter, &amp;c.

General management.



theless to the rules, regulations, restrictions and provisions hereinafter prescribed and established.

Appropriation  
of Rents, &c.

3. The rents, revenues, issues and profits of all property, real and personal, held by the said Corporation, shall be appropriated and applied solely to the maintenance of the said Corporation, the construction and repairs of the building requisite for the purpose of the said Corporation and to the advancement of education by the instruction of youth, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Property now  
held in trust  
to be vested in  
the Corpora-  
tion.

4. That all and every the estate and property, real and personal, held by any person or persons as trustees for or on behalf of the present Lord Bishop of Ontario, for the purposes of the said College institution, and all debts, claims and rights whatsoever, due and to become due to the present Lord Bishop of Ontario, or any person or persons, for the purpose of the said College institution, shall be and are hereby vested in the Corporation hereby established, and all debts due by the said Trustees in their said quality, or by any other person or persons on behalf of the said College institution, shall be paid and discharged by the said Corporation, and the by-laws, rules, orders, and regulations now made for the management of the said College institution, shall be and continue to be by laws, rules, orders and regulations of the said Corporation until altered or repealed in manner herein provided for.

Power to ap-  
point Officers,  
Masters, &c.

5. The Corporation shall have power to appoint and remove at pleasure such Attorney or Attorneys, administrator or administrators of the property of the Corporation, and such officers, masters, teachers and servants as shall be necessary for the well conducting of the business and affairs thereof, and to allow them compensation for their services, and shall be capable of exercising such other powers and authority for the well governing and ordering the officers, masters, teachers and servants of the said Corporation as shall be prescribed by the by-laws, rules, orders and regulations of the said Corporation.

Vacancies in  
the Council.  
How filled.

President.

6. In case of any vacancy occurring in the number of the members of the Council by absence from the Province, death, resignation, removal or otherwise, such vacancy shall and may be filled up from time to time by the Lord Bishop of Ontario, for the time being, who shall be the President of the Council. In his absence at any meeting of the Council a chairman shall be chosen by the members present or the majority of them.

Corporation to  
make return,  
&c. to the Go-  
vernment of  
their property.

7. The Corporation shall at all times when thereunto required by the Lieutenant-Governor or Legislative Assembly, make a full return of their property, real and personal, and of their receipts and expenditure for such period, and with such details and other information as the Lieutenant-Governor and Legislative Assembly may require.

Public Act.

8. This Act shall be deemed a Public Act.

CAP.

## CAP. XVI.

An Act to vest certain Real Estate in the Rector and Churchwardens of the Church of Saint John the Evangelist, in Port Hope, with authority to raise money upon the security of the same for the completion of a new Church thereon and for other purposes.

[Assented to 28th February, 1868.]

**W**HEREAS the Reverend Frederick Augustus O'Meara, LL.D., Rector of the First Parsonage or Rectory within the Township of Hope, in the County of Durham, otherwise called the Parsonage or Rectory of Saint John the Evangelist, and Henry Howard Meredith and Thomas Moore Benson, Churchwardens of the Church of Saint John the Evangelist, in Port Hope, and the Vestry of the said Church, have by their Petition set forth that the Lands and premises hereinafter particularly mentioned and described were in his lifetime conveyed to the Reverend Jonathan Shortt, D. D., since deceased, then being Rector of the said Parsonage or Rectory in his Corporate capacity, and to his successors, upon trust, to hold the same forever thereafter, to and for the uses and purposes of a site for the erection thereon of the Parish Church of the said Parsonage or Rectory of Saint John the Evangelist.

Preamble.

Petition.

That the said the Reverend Jonathan Shortt has departed this life, and the said Frederick Augustus O'Meara hath been duly appointed and inducted Rector of the said Parsonage or Rectory in his stead.

That the building hitherto used as the Parish Church of the said Rectory having become much out of repair and being inconveniently situated, the said land and premises hereinbefore referred to were selected and approved by the Vestry of the said Church, as the site upon which to erect a new Church as the Parish Church of the said Rectory, and were purchased and paid for by the voluntary contributions of members of the said Vestry, and by their request were conveyed as therein set forth.

That the sum of nine thousand dollars or thereabouts has been subscribed and expended towards the building of the said new Church on the said land, and the said Church is now in course of erection thereon.

That a further sum of five thousand dollars or thereabouts, will be required to complete the said building, and that persons are willing to advance the same to the Petitioners for that purpose,

pose, upon the security of the said land and building and the pew rents which may be derived therefrom.

Prayer.

And the Petitioners have prayed that an Act may be passed to vest the said land and premises in them the said Petitioners

as such Rector and Churchwardens, and their successors and assigns, upon the same trusts as aforesaid, with power to raise by way of Loan, by Mortgage or otherwise, a sum not exceeding the sum of five thousand dollars, for the completion of the said new Church, and to pledge the revenues of the said Church for the repayment of the same and the interest thereon.

And whereas it is expedient to grant the prayer of the said Petitioners; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Parcels.

1. All those certain parcels of Land situate and being in the Town of Port Hope, aforesaid, in the County of Durham and Province of Ontario, mentioned and described in the said deed of Conveyance to the said Reverend Jonathan Shortt, D.D., and his successors, composed of the North parts of Lots numbers three hundred and thirteen and three hundred and fourteen in the sub-division of Park Lot number Seventy, made by the late John David Smith, Esquire, and duly registered in the Registry Office for the East Riding of the said County of Durham, and which said parcels of Land thereby intended to be conveyed, are more particularly described in the said Deed of Conveyance there of to the said Jonathan Shortt, with all their rights, members and appurtenances, are hereby vested in the said Frederick Augustus O'Meara, Rector of the said Parsonage or Rectory, and Henry Howard Meredith and Thomas Moore Benson, Churchwardens of the said Church of Saint John the Evangelist, and their successors in the said respective offices for ever, upon trust to hold the same to and for the uses and purposes of the site of the Parish Church of the said Parsonage or Rectory of Saint John the Evangelist in Port Hope.

Authority to  
raise Loan not  
exceeding  
\$5,000.

2. The said Rector and Churchwardens are hereby authorized and required to raise, by way of loan, from any person or persons or body or bodies corporate, who may be willing to advance the same upon the security of the said lands and premises, such a sum of money, not exceeding the sum of Five thousand dollars, as may be necessary for the completion of the said Church now in course of erection thereon, at such rate of interest as may be agreed upon, and for that purpose to convey by way of mortgage, freed and discharged from the trusts herebefore mentioned, the said lands and premises and the buildings thereon erected or in course of erection thereon, and to pledge the rents of all pews and sittings in the said new church

Pew rents.

for



for the payment of the amount so to be borrowed, with the interest thereon, and to delegate to the person or persons, body or bodies corporate, so lending and advancing money as aforesaid, all rights and powers in the said Rector and Churchwardens by law vested, for the collection and recovery of the said rents.

3. In any mortgage or other instrument to be executed by them, the said Rector and Churchwardens, as a security for the said Loan, the said Rector and Churchwardens may, after setting apart at least twenty pews for free seats, fix and determine a minimum annual rental or minimum annual rentals for such or so many of the pews and sittings in the said New Church as they may deem expedient, which rental or rentals shall not be less in the aggregate than the sum required to pay the annual interest on the amount lent or advanced on the said security, and it shall not be lawful for the Vestry or other authorities of the said New Church, to reduce or diminish such rentals so long as any portion of the amount so to be borrowed, or of the interest thereon, shall remain unpaid. Free Seats reserved.

4. No person or persons, body or bodies corporate, so lending or advancing money to the said Rector and Churchwardens, or their successors, shall be in any way bound to see to the application, or answerable for the non-application or mis-application of any money so loaned or advanced as aforesaid. Lender not answerable for application of moneys loaned.

5. From and out of any money borrowed as aforesaid, the said Rector and Churchwardens, or their successors, shall in the first place pay all sums of money lent or advanced by any member or members of the Building Committee appointed by the said Vestry and used in the erection of the said New Church, or for the payment of which any member or members of the said Building Committee may have become in any manner liable in anticipation of the passing of this Act. Application of Loan.

6. This Act shall be a Public Act.

## CAP. XVII.

An Act to continue for a limited time the several Acts therein mentioned.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS it is expedient further to continue the Acts hereinafter mentioned, which would otherwise expire at the end of the present session: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

Acts of Canada,  
7 Vic. Cap. 10,  
Bankrupts.

1. The Act of the Parliament of the late Province of Canada passed in the seventh year of Her Majesty's Reign, and intituled, "An Act to repeal an Ordinance of Lower Canada, intituled, *An Ordinance concerning Bankrupts and the administration and distribution of their estates and effects*, and to make provisions for the same object throughout the Province of Canada;" and the Act amending the same passed in the ninth year of Her Majesty's Reign, intituled "An Act to continue and amend the Bankrupt Laws now in force in this Province," in so far as the same are continued by and for the purposes mentioned in the Act passed in the twelfth year of Her Majesty's Reign and intituled "An Act to make provisions for the continuation and completion of proceedings in Bankruptcy now pending," and the said last mentioned Act and the Act of the said Parliament, passed in the session held in the thirteenth and fourteenth years of Her Majesty's Reign, and intituled, "An Act to afford relief to Bankrupts in certain cases," shall respectively be and they are hereby continued, and shall, in so far as they relate to the Province of Ontario, be in force until the first day of January, one thousand eight hundred and sixty-nine, and from thence until the end of the next ensuing session of the Legislature of Ontario, and no longer.

9 Vic., cap. 30.

12 Vic. Cap. 18

13 & 14 Vic.,  
Cap. 20.

Continued for  
certain purpo-  
ses only to end  
of Session after  
1st Jan., 1869.

Period limited  
by 29 & 30 Vic.  
Cap. 14, Sec. 3,  
extended to end  
of Session after  
1st. Jan. 1869.

2. The period limited by the third enacting clause of the Act passed by the Parliament of the late Province of Canada in a session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter fourteen, intituled, "An Act to continue for a limited time the several Acts therein mentioned," and by the several Acts in that clause mentioned, or any of them, respecting the remedying of defects in the registration of titles in the County of Hastings, and which would otherwise expire at the end of the present session of the Legislature, shall be and the same is hereby extended to the first day of January, one thousand eight hundred and sixty-nine and from thence to the end of the next ensuing session of the Legislature of Ontario, and no longer.

3. The period limited by the fourth clause of the said Act, passed in the twenty-ninth and thirtieth years of Her Majesty's Reign, chapter fourteen, intituled "An Act to continue for a certain time the several Acts therein mentioned," for the continuation of the operations of certain Savings Banks in that clause mentioned, is hereby extended until the first day of July, one thousand eight hundred and sixty-nine, and from thence to the end of the next ensuing Session of the Legislature and no longer, so far as relates to the Province of Ontario.

Period limited by 29 & 30 Vic. Cap. 14, Sec. 4, extended to end of session after 1st July, 1869.

4. The period limited by the eighth clause of the Act passed by the said Parliament, in the twenty-eighth year of Her Majesty's reign, chapter twenty, intituled "An Act respecting Police Magistrates," is hereby extended to the first day of January, one thousand eight hundred and sixty-nine, and no longer, so far as relates to the Province of Ontario.

Period limited by 28 Vic. c.20, s. 8, extended to 1st Jan., 1869.

## CAP. XVIII.

### An Act respecting the Appointment of Magistrates and Coroners.

[Assented to 4th March, 1868.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. It shall be lawful for the Lieutenant-Governor in Council, whenever he shall think fit, to appoint, under the Great Seal, one or more Justices of the Peace, and one or more Coroners, in and for every City, Town and County in the Province of Ontario.

Appointment by the Lt.-Gov. in Council.

2. Whenever a new Commission of the Peace shall be issued, after the passing of this Act, all and such like former Commissions shall become absolutely revoked and cancelled, but nothing in this Act contained shall prevent the re-appointment of any Justice of the Peace named in such former Commission, if the Lieutenant-Governor shall think fit.

Revocation by new Commission.



## CAP. XIX.

## An Act respecting Gold and Silver Mines.

[Assented to 4th March, 1868.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

27 & 28 V and 29 V., Gold Mining Acts repealed.

**1.** The Statute of the late Province of Canada, passed in the session of the Parliament of said Province, held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, entitled "An Act respecting Gold Mines," and the Statute of the said late Province passed in the twenty-ninth year of Her Majesty's Reign, entitled "An Act to amend the Gold Mining Act, twenty-seventh and twenty-eighth Victoria, Chapter nine," are hereby repealed.

Title.

**2.** This Act may be known and cited as "The Gold and Silver Mining Act of 1868."

Interpretation of terms used in this Act.

**3.** In the construction and for the purposes of this Act, and of all Orders in Council or Regulations under it, if not inconsistent with the context or subject matter, the following terms shall have the respective meanings hereby assigned to them, that is to say :

"Mine" and "mining."

*First.* The verb "mine" and the participle "mining" shall be held to mean and include any mode or method of working whatsoever whereby the soil or earth, or any rock or stone may be disturbed, removed, carted, carried, washed, sifted, smelted, refined, crushed or otherwise dealt with for the purpose of obtaining gold or silver, whether the same may have been previously disturbed or not ;

"Gold" and "Silver."

*Secondly.* The word "Gold" shall be held to mean and include as well any gold as any earth, clay, quartz, stone, mineral or other substance containing gold or having gold mixed therein, or set apart for the purpose of extracting gold therefrom ; and the word "Silver" shall in like manner be held to mean and include as well any silver as any earth, clay, quartz, stone, mineral or other substance containing silver or having silver mixed therein, or set apart for the purpose of extracting silver therefrom ;

"Quartz mines"

*Thirdly.* The words "Quartz mines," shall be held to mean and include all auriferous or argentiferous rocks containing gold or silver ;

*Fourthly.*

*Fourthly.* The words "Alluvial mines," shall be held to mean and include all soils or strata containing gold or silver; and the word "mines," shall include both quartz mines and alluvial mines and all other gold or silver mines whatsoever, and all places where the work of "mining," as above defined, may be carried on; "Alluvial mines"

*Fifthly.* The word "proprietor," shall be held to mean and include the person or persons for the time being entitled to the rents, issues and profits of the land; "Proprietor."

*Sixthly.* The words "Mining Division," shall be held to mean and include any tract of country declared to be a "Mining Division," under this Act; "Mining division."

*Seventhly.* The words "Crown Lands," shall be held to mean and include all Crown Lands, School Lands, or Clergy Lands which have not been alienated by the crown; "Crown Lands"

*Eighthly.* The words "Private Lands," shall be held to include all lands which have been alienated by the Crown; "Private Lands."

*Ninthly.* The word "claim" shall be held to mean a parcel of land taken possession of under this Act for mining purposes; "Claim."

*Tenthly.* The words "party-wall" shall be held to mean a bank of earth or rock left between two excavations; "Party-wall."

*Eleventhly.* The words "Mill License," shall be held to mean a license to use machinery for the purpose of extracting gold or silver from rock; "Mill license"

*Twelfthly.* The words "Licensed Mills," shall be held to mean mills and machines so licensed, and the words "Licensed Mill Owner," the person to whom any such license has been granted; "Licensed mills" "Licensed mill owner."

*Thirteenthly.* The word "Licensee" shall be held to mean a person holding a license; "Licensee."

*Fourteenthly.* All measurements and distances under this act shall be made and taken to be according to English measurement. "Measures."

4. The Lieutenant-Governor in Council, may from time to time, by Order in Council, declare such tract of country as may be described in and by such Order in Council a "Mining Division" and by any other subsequent Order or Orders in Council from time to time may extend, add to, or diminish the limits of such division, or may otherwise amend, or may cancel such Order in Council; and from and after the publication in the Mining divisions how to be declared.

Effect of such declaration.

*Ontario Gazette* of any such Order in Council, the mining division therein mentioned and described, and the gold mines, silver mines, quartz mines and alluvial mines, situate in such division, shall be subject to the provisions of this Act, and to any regulations to be made under this Act.

Appointment and powers of officers of mining divisions.

5. The Lieutenant-Governor may appoint for each mining division, or for any part thereof, an Inspector and such other officer or officers as he shall deem necessary for the purposes of this Act, who shall respectively be under the direction of the Commissioner of Crown Lands, and by Order in Council may prescribe their duties and fix their titles and salaries; and every such Inspector shall be *ex officio* a Justice of the Peace of the County or United Counties, District or Districts, which a mining division may comprehend or include, in whole or in part, or in which, or in any portion of which, a mining division may lie; and it shall not be necessary that any such Inspector shall possess any property qualification whatever in order to enable him lawfully to act as such Justice of the Peace; and every such Inspector shall have jurisdiction as a Justice of the Peace over all the territory comprised within the division for which he may be appointed, with power to settle summarily all disputes as to extent or boundary of claims, use of water, access thereto, damage by licensees to others, forfeiture of licenses, and generally to settle all difficulties, matters or questions, which may arise under this Act, or offences against any of the provisions of this Act, or

Decisions final.

the regulations to be made under it; and the decision of any such officer, in all cases under this Act, shall be final, except when otherwise provided by this Act, or when another tribunal is appointed under the authority of this Act; and no case under this Act shall be removed into any court by writ of *certiorari*.

No *Certiorari*.

Disputes between masters and laborers &c. in Gold Mining Division may be determined by Officer of division.

6. Any complaint or dispute for, or in respect of wages between persons engaged in mining within any mining division, or their agents or representatives, and the laborers or servants employed by them, may be heard and determined before the Inspector for such division, who may by summons require the attendance of the defendant before him, and upon proof of the service of such summons may, either in the absence or presence of the defendant, determine such complaint in a summary manner, on the oath of any one or more credible witness or witnesses to be sworn before him, and may levy such sum as he may adjudge to be due by such person, or his agent or representative to such laborer or servant, together with the costs of service by warrant of distress and sale of the defendant's goods and chattels.

Proceedings in such case.

Levying sum adjudged.

Miner's Licenses to be granted.

7. The Inspector of any Mining Division may, on payment to him of a fee of Five Dollars, grant to the party applying for the same, a License to be called a Miner's License, which may be in the following form:



## PROVINCE OF ONTARIO.

No. (Name of Division). Mining Division. \$5.

Date, 186 .

Miner's License.—Not Transferable.

Issued to A.B. under the Provisions of the Gold and Silver Mining Act of 1868, to be in force for one year from the date hereof.

Form of License.

C. D. Inspector of

Mining Division.

8. Such Miner's License shall be in force for one year from the date thereof, and shall not be transferable, and only one person shall be named therein, who shall be called the Licensee, and who before the expiration of said license, or within not later than ten clear days thereafter, shall have the right to a renewal of said license by the Inspector for the Division on payment to him of the like fee of Five Dollars.

Duration, &amp;c., of License.

9. A Miner's License shall authorize the Licensee personally, and not through another or others, to explore for gold or silver, and to mine during one year from the date of said License, on any unsold Crown Lands within the mining division therein mentioned, and not for the time being marked or staked out and occupied as hereinafter mentioned by any other licensee under this Act.

Licensee may explore and mine under Miner's license

10. Such Licensee shall have the right to mark or stake out one claim on such unsold Crown Lands, within such mining division, by planting a wooden or iron picket at each of the four corners thereof, or otherwise marking the same as may be directed by any order in Council, and to work the same.

May mark out claim.

11. Each claim shall be of one of the following dimensions, viz :

Dimensions of claims.

## FOR ALLUVIAL MINES.

If on any river or creek, one hundred feet front by one hundred feet to the rear, to be measured from the water's edge.

If in a gully, one hundred feet along said gully and to extend from hill to hill.

If on a surface or hill side digging, one hundred feet square. Except where a Company intend to hill-tunnel, then, upon application, the Officer for the Division may grant such larger claim as he may think fit.

H

And

As to beds of  
rivers

And for working a bed of river the officer shall determine as circumstances may require the size and position of claims; and all side lines shall be drawn as nearly as possible at right angles to the general course of the stream, for half a mile on each side of the claim where such side lines touch the stream.

#### FOR QUARTZ MINES.

For any one person one hundred and fifty feet along a lead, by one hundred feet on each side thereof, measuring from the centre of the lead.

Companies of two or more persons, who each hold a miner's license, may stake out and work additional feet along a lead by the above width in the proportion of one hundred additional feet in length for every additional miner, not to exceed one thousand feet in length altogether, and work the claim jointly.

Claims to be  
classed by  
Officer.

**12.** The Inspector for the Division shall decide as to each claim under which of the heads in the next preceding section it shall be classed; and his decision shall be final.

Rules as to  
laying out  
claims.

**13.** Claims shall be laid out as far as possible uniformly and in quadrilateral and rectangular shapes: measurements of all claims shall be horizontal; and the ground included in every claim shall be deemed to be bounded under the surface by lines vertical to the horizon.

Forfeiture of  
claims.

**14.** A claim shall be deemed to be forfeited and abandoned and to be open to occupation by any Licensee or to sale or lease by the Crown, when the same shall have remained unworked for the space of two weeks, unless sickness or other reasonable cause to the satisfaction of the Inspector for the Division be shown, or in case the Licensee has neglected or failed to comply with the requirements of this act, and the regulations to be made under it, or has not regularly renewed his license.

No person to  
occupy more  
than one claim  
at one time:  
exception.

**15.** No person shall occupy at the same time more than one claim on Crown Lands, except in the cases hereinafter provided for of registration of claims rendered temporarily unworkable.

License to be  
exhibited to  
officer, on  
demand.

**16.** Every licensee will be held and required to produce and exhibit his license to the Inspector for the Division, and to prove to the satisfaction of the Inspector, that such License is in force, whenever required to do so by him; and the Inspector for any Mining Division shall have the right to enter upon private lands, within such Division, for the purposes of this Act.

Officer may  
enter on private  
lands.

Right of  
discoverer of a

**17.** The discoverer of any new mine shall be entitled to two claims of the largest area prescribed by this Act, or by any regulation

tion which may be issued under it and in force when such discovery may be made; Provided that such discovery shall have been immediately reported to the Inspector of the division; and any one not immediately reporting such a discovery shall not be allowed to mine on any Crown Lands for one year.

new mine.  
Proviso: he  
must report it.

**18.** No person shall be considered the discoverer of a new quartz mine, unless the place of the alleged discovery shall be distant, if on a known lead, at least three miles from the nearest known mine on the same lead, and if not on a known lead at least one mile at right angles from the course of the nearest known lead; if in alluvial workings, at least two miles distant from any previously discovered mine.

What shall be  
deemed a dis-  
covery.

**19.** A party wall of at least three feet thick shall be left between each holding on Crown Lands, which said party wall shall be used in common by all parties as a mode of access to the stream, where one exists; and such party wall shall not be obstructed by any person or persons throwing soil, stones or other material thereon; and every person or persons so obstructing such party wall, shall, upon conviction before the Inspector for the Division, be liable to a fine of not more than five dollars, and costs; and in default of payment of such fine and costs he may be imprisoned for any period not more than one month.

Party walls to  
be left between  
claims, and  
kept clear.

Penalty for  
contravention.

**20.** If at any time it shall be found necessary or expedient to remove a party wall as aforesaid, the party so removing it shall, if required so to do, construct a new mode of access to the water in no wise more difficult as an approach than the one destroyed by the removal of the party wall, under a like penalty as provided in the next preceding section; and in case of a removal of a party wall the gold or silver found therein shall belong to the owners of the adjoining claims, each of whom shall own the half next to his claim.

Party remov-  
ing party wall  
to construct a  
new mode of  
access to water.

In case of re-  
moving of wall

**21.** No person mining upon any Crown Lands shall cause any damage or injury to the holder of any other claim than his own, by throwing earth, clay, stones or other material upon such other claim, or by causing or allowing any water which may be pumped or bailed or may flow from his own claim to flow into or upon such other claim, under a penalty of not more than five dollars, and costs; and in default of payment of such fine and costs, he may be imprisoned for any period not more than one month.

Crown Lands  
Licensees not to  
damage other  
claims.

Penalty

**22.** Claims on Crown Lands fronting on streams shall be subject to the general use of the waters of such streams, in a manner to be regulated by the Inspector for the Division.

General use of  
waters

**23.** Any person occupying a claim on Crown Lands which in consequence of excess of water or other unavoidable reasons

Provision for  
registration of  
claim rendered

satisfactory



unworkable for  
a time.

Previso : claim  
to be marked.

Penalty for  
removing  
picket.

Proprietors  
may mine on  
private lands  
subject to  
Royalty.

Miners' Licen-  
ses and leases  
to be subject to  
Royalty.

Amount of  
Royalty.

No mill or ma-  
chinery for  
crushing  
quartz to be  
used in any  
Gold Mining  
Division with-  
out a License.

satisfactory to the Inspector for the Division, cannot then be worked, may, upon payment of one dollar register his right to such claim in the Office of the Inspector for the Division, in a book to be kept for that purpose, and may then proceed to work elsewhere; but in case such person do not return and occupy the claim so registered within two weeks after the surrounding claim or claims have been shewn to be workable, he shall forfeit all right and title to said claim; Provided that every person so registering a claim shall be held to plant a wooden or iron picket in the centre thereof, or as near the centre thereof as possible, upon which shall be cut or painted, in legible figures, the registration number of said claim.

**24.** Any person found removing or disturbing, with intent to remove, any stake, picket, or other mark placed under the provisions of this Act shall forfeit and pay a sum not exceeding twenty dollars and costs, and in default of payment of such fine and costs, may be imprisoned for any period not exceeding one month.

**25.** The proprietors of all private lands heretofore granted, or which may hereafter be granted by the Crown, situate within the limits of any mining division, shall, during the continuance of this Act have the right, as against Her Majesty, to mine for gold and silver upon such lands, subject to the royalty hereinafter mentioned, and to the provisions of this Act.

**26.** On all miners' licenses, and on all leases of gold or silver mines, on any Crown lands within any mining division, there shall be and is hereby reserved the royalty hereinafter mentioned upon all gold and silver mined.

**27.** The royalty required by this Act shall be not less than two nor more than ten per cent. on the gross amount of gold or silver mined, and subject to the foregoing limitation, the amount of such royalty may from time to time be fixed by the Lieutenant-Governor in Council, and may be varied for different mining divisions, and for different mines, according to the yield.

**28.** From and after the passing of this Act it shall not be lawful for any person or persons, whether as owner, part owner, or as servant, agent, clerk, workman, or otherwise, to use or employ, or work or aid in working any mill or machinery (other than mills or machinery worked by hand) within or near any mining division for the crushing or reduction of quartz, or the obtaining of gold or silver therefrom by crushing, stamping, amalgamating, or otherwise, without a license therefor first had and obtained from the Inspector for the division, or after any such license shall have been revoked, and such revocation made known; and every person convicted

of

of any contravention of any one of the provisions of this section shall, for every day on which such contravention shall have occurred or been continued, forfeit and pay a sum not exceeding one hundred dollars and costs; and in default of payment of such fine and costs he may be imprisoned for any period not more than two months.

Penalty for  
contravention.

**29.** Before any such license shall be granted, the party applying for the same shall enter into a bond to Her Majesty in a penalty of two thousand dollars, conditioned as may be directed or required by any Order in Council, to be made in that behalf.

Bond to be  
given by own-  
ers of Quartz  
mills.

**30.** Every licensed mill owner shall keep at the mill or premises mentioned in his license, a book or books of account, to be supplied by the Inspector for the mining division, which shall at all times be open to the inspection of the Commissioner or Assistant Commissioner of Crown Lands, or the Inspector for the Mining Division, or of any one by them, or either of them thereto authorized in writing, in which book or books shall be entered a clear and distinct statement of all quartz crushed, amalgamated, or reduced at such licensed mill, and the following particulars in respect of the same :

Books to be  
kept by  
licensed Mill-  
owners.

1. The name of the owner or owners of each distinct parcel or lot of quartz crushed.

2. The weight of each such parcel or lot.

3. The date of the crushing of the same.

4. The actual yield in weight of gold and silver, respectively, from each such parcel or lot.

5. The royalty thereon calculated at the rate at which the same is, for the time being, fixed by the Order in Council.

6. The mine or claim, and number or designation of lot or parcel of land, so far as the same can be ascertained, on which each such parcel or lot of quartz was mined.

**31.** Each licensed mill owner shall, as the portion thereof belonging and payable to Her Majesty as royalty, separate from the yield or produce of gold and silver of each lot or parcel of quartz as crushed, such number of parts out of every hundred parts of such yield as shall be required by such Order in Council, and shall pay the same in such weekly or other payments as the Commissioner of Crown Lands shall order, to the Inspector for the Mining Division, or to any other person whom the Commissioner or Assistant-Commissioner of Crown Lands may direct, or otherwise shall pay, as aforesaid, the equivalent in money for the same, at such rate as shall be provided by Order in Council.

Royalty to be  
separated.

Parts of silver or gold equal to Royalty to be the property of Her Majesty.

**32.** So soon as gold or silver shall be obtained by amalgamation, or otherwise, from any parcel or lot of quartz crushed at any licensed mill, the number of parts in the hundred of such gold and silver, respectively equal to the per centage required by Order in Council, as aforesaid, shall forthwith thereafter be and become the property of Her Majesty.

If mill-owner fail to pay such parts.

**33.** In case any licensed mill owner shall fail to pay such parts in the hundred of gold, or silver, or money in lieu thereof, in the mode and at the times prescribed by this Act, the same shall be considered as money had and received to the use of Her Majesty, to the amount which might, under the provisions aforesaid, be paid in lieu thereof, and the license of such mill owner may be revoked by the Inspector of the Division.

Licensed mill-owner to make return.

**34.** Each payment of gold, or silver, or money, made by a licensed mill owner shall be accompanied by a copy of so much of his said book of account as shall be required to show the particulars prescribed by the thirtieth section hereof, which shall be verified by the affidavit of the person principally employed in keeping such account made before the Inspector for the Mining Division or before a Justice of the Peace; and on failure to make such returns or to verify the same as aforesaid, the license may be revoked by the Inspector for the Division.

If books or accounts fraudulently kept, license may be revoked.

**35.** When the account books prescribed by this act, or any of the accounts hereby required, shall be fraudulently or falsely kept, or the affidavits hereby prescribed, or any of them, shall be false or fraudulent, the license to the mill in respect of which the offence has been committed may be revoked by the Inspector of the Division.

Penalty for fraud.

**36.** In addition to the forfeiture of license, any licensed mill owner in respect of whose licensed mill such fraud shall have been committed, shall be liable for each offence to a penalty to Her Majesty, of two thousand dollars.

Mill owner entitled to five per cent. on Royalty.

**37.** Every licensed mill owner who shall in all respects have complied with this act shall be entitled to receive from the Treasurer of the Province at the end, or expiration, of every three months from the date of his license a sum equal to five per cent. upon the amount paid over by him as royalty during such period.

Quartz, &c., not to be removed from mining division.

**38.** No earth, clay, quartz, stone, mineral or other substance containing gold or silver, or having gold or silver mixed therein, or set apart for the purpose of extracting gold or silver therefrom, shall without the consent in writing of the Inspector for such Mining Division be removed beyond the limits of any Mining Division in which the same was found, procured or mined, and if so removed without such consent of the Inspector of said Division, the same shall be forfeited to Her Majesty, and may



may be seized and taken possession of for Her Majesty, at any place within the Province of Ontario, by such Inspector, or by any one authorized by him in writing for that purpose.

**39.** Each Inspector appointed in and for a Mining Division under this Act, may appoint any number of Constables not exceeding four; and the persons so from time to time appointed shall be and they are hereby constituted respectively Constables and Peace Officers for the purpose of this Act, for and during the terms and within the Mining Divisions for which they may be appointed respectively.

Appointment of Constables in Gold Mining Divisions.

**40.** The Lieutenant-Governor in Council may, as often as occasion requires, declare by Proclamation that he deems it necessary that the "Act respecting Riots near Public Works," being chapter twenty-nine of the Consolidated Statutes of Canada, should, so far as the provisions therein are applicable, be in force within any Mining Division or Divisions; and upon, from and after the day to be named in any such Proclamation, the said Act shall, so far as the provisions thereof can be applied therein, take effect within the Mining Division or Mining Divisions designated in such Proclamation, and the provisions of the said Act shall apply to all persons employed in any mine, or in mining, within the limits of such Mining Division or Divisions, as fully and effectually to all intents and purposes as if persons so employed had been specially mentioned and referred to in the said Act.

Act respecting Riots near Public Works may be brought into force in Gold Mining Divisions.

1. And the Lieutenant-Governor in Council may, in like manner, from time to time, declare the said Act to be no longer in force in such Mining Division or Divisions; but this shall not prevent the Lieutenant-Governor in Council from again declaring the same to be in force in any such Mining Division or Mining Divisions;

And declare it not in force, &c.

2. But no such Proclamation shall have effect within the limits of any City.

Cities excepted

**41.** The Lieutenant-Governor in Council may from time to time make all and every such regulation and regulations as he may deem necessary or expedient, for diminishing or increasing the size or altering the form of claims, prescribing the conditions and terms of licenses, commuting any royalty or royalties for a fixed sum or sums per ounce of gold or silver, for prescribing the statements or returns to be made, under oath or otherwise, to licensed mill-owners, or their agents in charge of their mills or machinery, by the owner or owners of any quartz brought to said mills to be crushed, or by the parties bringing the same, and prescribing before whom any such oath may be taken, and for fixing, diminishing or increasing the license fees chargeable under this Act; for the appointment of Arbitrators or Mining Boards to hear and determine appeals from

Lieut.-Gov. in Council may make regulations for certain purposes, which shall have force of law.

from the decisions of Inspectors of Division, and for the prescribing, defining and establishing the powers, duties and mode of procedure of such Arbitrators or Mining Boards; for the construction and maintenance of roads through the Mining Divisions, and generally for the purpose of carrying out this Act; and such regulations, after publication in the *Ontario Gazette*, shall have the force and effect of law.

Penalty for  
contravening  
this Act, when  
no other is  
provided.

42. Every person contravening this Act, or any rule or regulation made under it, in any case where no other penalty or punishment is imposed, shall for every day on which such contravention occurs or continues or is repeated, incur a fine of not more than twenty dollars and costs; and in default of payment of such fine and costs he may be imprisoned for a term of not more than one month.

Officer may  
convict on  
view.

43. Any Inspector for a Mining Division may convict upon view of any of the offences punishable under the provisions of this Act, or regulations made under it.

Separate of-  
fence on each  
day.

44. The contravention on any day of any of the provisions of this Act, or of any regulation made under it, shall constitute a separate offence and may be punished accordingly.

Application of  
fees, fines and  
penalties.

45. All fees, penalties and fines received under this Act and the costs of all such convictions as shall take place before any magistrate appointed under this Act, shall form part of the Consolidated Revenue Fund of this Province and be accounted for and otherwise dealt with accordingly; and the expenses of carrying this Act into effect in any Mining Division or Mining Divisions, shall be paid by the Lieutenant-Governor out of the said Consolidated Revenue Fund.

Right of Crown  
as to grants  
and leases re-  
served.

46. Nothing in this Act shall interfere with the right of the Crown to make grants or leases of any Crown Lands lying within the limits of any mining division, or of any gold or silver mines on such lands, and the Lieutenant-Governor may, by Order in Council, provide for the granting or leasing of such lands or mines in such quantities or parcels, and upon and under such conditions as to the developing or working of the said mines or lands, the expenditure of labour thereon, and the forfeiture of such leases or grants for non-observance of such conditions as to the Lieutenant-Governor may seem fit.

Inspector or  
Justices may  
try offences, as  
under Con.  
Stat. Ca.  
c. 103.

47. The Inspector of any mining division, or any two Justices of the Peace having jurisdiction in the locality, may try and summarily convict any person guilty of any offence under this Act, or of any breach of any of the provisions thereof, to which any fine or penalty, or forfeiture of any sum of money is attached, and shall have all the powers of Justices of the Peace under chapter one hundred and three of the Consolidated Statutes of Canada, and the provisions of the said Act as far as applicable thereto shall apply to the proceedings by such Inspector or Justices under this Act.

## CAP. XX.

An Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to Lands in Ontario.

[Assented to 4th March, 1868.]

**H**ER Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows: Preamble.

**1.** In the construction of this Act the word "Instrument" shall include every deed, conveyance, mortgage, assignment of mortgage, certificate of discharge of mortgage, assurance, lease, bond, release, discharge, letter of attorney, will, probate of will, grant of administration with the will annexed, municipal road by-law, certificate of proceedings, decree of foreclosure, and every other certificate or decree of the Court of Chancery or of any other Court on its equity side, affecting any interest in or title to land, also, every Sheriff's deed of lands sold by virtue of his office, and every contract in writing, —and every Commission and proceeding in Lunacy, Bankruptcy and Insolvency,—and every other instrument whereby lands or real estate in Ontario may be transferred, disposed of, charged, encumbered, or affected; the word "Land" shall include lands, tenements, hereditaments, appurtenances and real estate; the word "Will" shall include probate of will and exemplification, or notarial copies of probate of will and letters of administration with the will annexed, and any devise whereby lands are disposed of or affected; the word "County" shall include a union of counties, a city, junior county and any part of a county or counties set apart for judicial or registration purposes; the word "Treasurer" shall include Chamberlain of any Municipal Council. Interpretation clause.  
"Instrument"  
"Land."  
"Will."  
"County."  
"Treasurer."

**2.** All Acts inconsistent herewith are hereby repealed; Provided, always, that all registrations, official acts, records, matters and things done in pursuance of any or either of the said repealed Acts, shall, where they are valid and effectual at the time of the passing of this Act, remain and continue to be valid and effectual to all intents and purposes. Inconsistent Acts repealed. Saving clause as to things done.

## REGISTRY OFFICES.

**3.** There shall be a separate Registry Office in every riding, county, union of counties and city in Ontario wherein at present a separate Registry Office is established; and whenever any county is separated for judicial purposes from a union of counties, or a new county is formed and set apart for judicial purposes, there shall be a separate Registry Office established therein, by the Lieutenant-Governor in Council, which office shall In and for what places there shall be Registry Offices.  
New counties or separation of counties.



shall be kept in the county town in like manner as in other county towns.

Registry Office  
may be remov-  
ed.

4. Whenever in any county or riding, the Registry Office appears to the Lieutenant-Governor in Council to be inconveniently situated, he may, by Proclamation, order the same to be removed to any other place in the county or riding.

County Coun-  
cils to provide  
fire-proof offices  
and vaults.

5. For the safe-keeping and protection of all books, memorials, duplicates and other instruments of whatever description, and plans, belonging to the office of Registrar, the council of each and every county where, when this Act takes effect, or at any time thereafter, there are no safe and proper fire-proof offices and vaults provided by such council, or where thereafter any Registry Office may be established, shall provide, furnish and maintain, and keep in good repair, a safe and a fire-proof registry office, fire-proof vaulted, upon a plan and on a site to be approved of by the Lieutenant-Governor in Council, and shall thereafter keep the same furnished with fuel and furniture and in good repair, and towns separated from counties, for municipal purposes, and cities, in which no separate registry offices exist, shall bear a rateable proportion of the expense thereof, based on the assessment of all the municipalities within the jurisdiction of such county.

Registrars.

6. Every Registry Office shall be kept by an officer to be called the Registrar.

#### REGISTRAR.

Registrars, how  
appointed, &c.

7. The Lieutenant-Governor shall, as occasion may require, from time to time, by Commission, under the Great Seal of the Province, appoint a fit person to the Office of Registrar, and shall, in like manner, fill up any vacancy occurring by the death, resignation, removal or forfeiture of office by any Registrar, and every Registrar, heretofore appointed or hereafter to be appointed, shall hold office during pleasure only.

Present Regis-  
trars, bonds,  
&c., to continue

8. Every Registrar in office when this Act takes effect is hereby continued therein, subject to the laws in force respecting public officers, and to the provisions and requirements of this Act, and all recognizances by Registrars and their sureties in force at the passing of this Act, shall continue in force under this Act.

Security to be  
given by Regis-  
trars.

9. Before any Registrar is sworn into office, such Registrar and two or more sufficient sureties shall enter into a joint and several recognizance in writing under their hands and seals, to Her Majesty, in a penal sum to be fixed at not less than four thousand nor more than ten thousand dollars, which recognizance shall be approved of by the Lieutenant-Governor in Council, and the same shall be taken by any two Justices of the Peace for the County in which the office to which he is appointed is situate, and shall be conditioned for the true and faithful performance,

mance, by the said Registrar or his Deputy, of his duty in the execution of all things directed and required of him by this Act ; and such Registrar shall also execute and enter into a joint and several covenant in duplicate with other sureties, which duplicate covenant may be in form appended to this Act, marked A, or to the like effect, to which recognizance and to each of which covenants shall be attached an affidavit in the form appended to this Act marked B, or to the like effect, made by each of the obligors and covenantors therein mentioned, and such recognizance and one of such duplicate covenants with the affidavits appended shall be forthwith transmitted to the Provincial Secretary, to be by him retained, and the other duplicate covenant, with the affidavits aforesaid, shall be by such Registrar forthwith filed in the office of the Clerk of the Peace for the said County or Union of Counties, where the same shall remain of record.

Form.

Affidavit.

Where recognizances shall be kept.

**10.** The Registrar, whether appointed before or after the passing of this Act, may at any time be required by the Inspector, with the approval of the Lieutenant-Governor in Council, to execute a new recognizance and covenants in the form and to the effect hereinbefore provided, or to furnish other sureties as may be deemed expedient, or both, and in default thereof shall be subject to the penalties mentioned in section eighteen of this Act.

New recognizances may be required by Inspector.

**11.** Any person may examine and obtain a copy of the Registrar's covenant and affidavits on payment to the Clerk of the Peace of a fee for such copy and search, of one dollar, or for such search, of twenty-five cents.

Copies may be obtained by any person.

**12.** The Registrar and his sureties shall be jointly and severally liable on their covenant to any aggrieved person or persons to indemnify him or them against any damage or loss sustained by him or them, by or through the neglect or misconduct of the Registrar or his Deputy in the performance of the duties of his office, not exceeding the penalty named therein, but this provision shall not exempt the Registrar from any further responsibility to parties sustaining damage or loss as aforesaid.

Liability of Registrars and their sureties.

**13.** Every Registrar, before he enters upon the execution of his office shall, before two or more Justices of the Peace for the County, take the oath given in the form marked C in the Appendix hereto, which shall be transmitted to the Provincial Secretary, together with the recognizance and covenant aforesaid.

Registrar's oath of office.

**14.** The Registrar may nominate a Deputy or Deputies in his Office, who may perform all the duties required under this Act, in the same manner and to the like effect as if done by the Registrar, such nomination to be in writing, under the hand of the Registrar and sealed with his seal of office ; and any

Appointment of deputies.

any Registrar may remove his Deputy and appoint another in his place whenever he may think it necessary; and in case of the death, resignation, removal or forfeiture of office of the Registrar, the Deputy Registrar, or in case of there being more than one, the Senior Deputy Registrar, shall do and perform all and every act, matter and thing necessary for the due execution of the said office, until a new appointment of Registrar is made by the Lieutenant-Governor.

Removal.

Power of Deputy in case of death or removal of Registrar.

Deputy's oath of office.

**15.** Every Deputy Registrar before he enters on the execution of his office shall, before two or more Justices of the Peace for the County, take the oath or an oath to the like effect, appointed to be taken by the Registrar, which shall be forthwith transmitted in like manner.

Registrars or Deputies, &c., not to act as Agents, or advise as to titles, &c., in their counties.

**16.** No Registrar or Deputy Registrar or Clerk in his office shall, directly or indirectly, act as the agent of any Corporation, Society, Company, Person or Persons investing money and taking securities on real estate within his County, nor shall such Registrar or Deputy Registrar or clerk in the office advise, for fee or other reward, or otherwise, upon titles of land, or practice as a Conveyancer, within his County, nor shall he carry on or transact within the Registry Office, any other business or occupation whatever, upon pain of forfeiture of office.

#### DUTIES OF REGISTRARS.

Residence of Registrars.

**17.** Every Registrar shall reside within ten miles of his office, and shall keep his office at the place named in his commission or otherwise as appointed by the Lieutenant-Governor in Council, or by any Act in force respecting the same.

Removal for misconduct.

Liability of Registrar.

And of Deputy executing office.

**18.** If the Registrar in any manner misconducts himself in his office or neglects to perform his duty in every respect, as required of him by this Act, or commits or suffers to be committed any undue or fraudulent practice in the execution thereof, then such Registrar may, at the discretion of the Lieutenant-Governor in Council, be dismissed, and he shall, moreover, together with his sureties, so far as their covenants extend, be liable to pay all damages, with full costs of suit, to any person injured thereby, to be recovered by action in any of Her Majesty's Superior Courts of Record; and any Deputy executing the office of Registrar during any vacancy by death, resignation or forfeiture of the Registrar, shall, together with the sureties of the Registrar as far as their covenants extend, be for the same cause, and in like manner liable as the Registrar and his sureties are in this section declared to be liable.

Hours of attendance at office.

**19.** The Registrar or his Deputy shall, for the discharge of all duties belonging to the said office attend at his office from the



the hour of ten in the forenoon until three in the afternoon, every day in the year except Sunday, New Year's Day, Ash Wednesday, Good Friday, Easter Monday, the Queen's Birthday, Christmas day, and every day by Proclamation of the Lieutenant-Governor appointed to be held as a general Fast day or Holiday in Ontario, and no Instrument shall be registered by him on any such days, nor shall any Instrument be received for Registration by him except within the hours above named.

Holidays.

**20.** The Registrar shall, when required, and upon being tendered the legal fees for so doing, make searches and furnish copies and abstracts of or concerning all Memorials, or other Instruments registered, mentioning any lot of land as described in the Patent thereof from the Crown, or any lot, described by number or letter on any registered map or plan, subsequent to the registration of such map or plan, or any part of a lot when the same is clearly described and can be identified in connection with the chain of title, or has been ascertained by actual survey; and of and concerning all Wills, Deeds, Orders, or other Instruments recorded, as may be requested of him in writing, if a writing be demanded by the Registrar; and he shall exhibit the original registered Instrument, and also the books of the office relating thereto when the party desires to make a personal inspection thereof, and shall give certificates of all copies and extracts under his hand of and concerning the parties to any of such documents, or of the witnesses to the same, or any other particulars which may be required, but no Registrar shall allow any such Book or Instrument to be taken out of his possession or custody.

Registrars to make searches and abstracts, on certain conditions.

To exhibit originals of instruments, &c.

To certify copies, &c.

**21.** Every Registrar under this Act shall have a Seal of Office, to be approved of by the Inspector, and on request of any person or persons, body corporate or otherwise, shall furnish an exemplification or certified copy under his hand and seal of office, of any instrument or memorial deposited, registered, or filed, and kept in his office as such Registrar, which exemplification or certified copy shall be received as *prima facie* evidence in every Court of Law or Equity in Ontario, in the same manner and with the same effect as if the original thereof, in his office, was produced; and no Registrar or Deputy Registrar shall be required to produce any paper in his custody as such Registrar or Deputy Registrar, unless ordered by a Judge of some one of the Courts of Ontario, which order shall be produced to the officer issuing the subpoena requiring such production, and shall be by him noted in the margin of such subpoena, and signed by such officer.

Registrar to have a seal of office, and for what purposes.

Not bound to produce any papers, except on order of Judge.

#### BOOKS OF OFFICE.

**22.** The Treasurer of the County or City shall provide a fit and proper Registry Book for each Township, reputed Town-ship,

County Treasurer to provide proper books,

one for each locality in the county.

General Registry book for the whole county, and for what purposes.

New books to be furnished when required.

If the Treasurer neglects to provide books.

County Judge or Warden to certify books.

Provision when any place is separated from a county, or detached from one county and attached to another.

Certain books, &c., to be transferred.

ship, City, Town, and Incorporated Village, the limits whereof are defined by law, and all Indices and other books required for the business of the said office; and all such Registry Books shall be as nearly as may be of the like size and description as those heretofore furnished; and shall continue to be of one uniform size or nearly so; and from the time such books are so provided and received at the Registry Office, the person who holds and executes the office of Registrar, shall keep and cause to be used for that purpose, a separate Registry Book for and of each Township, reputed Township, City, Town and Incorporated Village, the limits whereof are defined by law, within the county, for which he holds office; and he shall also keep and cause to be used for that purpose a general Registry book for the whole county, in which shall be recorded all wills and instruments in which there is a general devise, conveyance or power affecting lands without local description, and in which book an alphabetical index of the names of all the parties mentioned by name in such instrument shall also be kept; and whenever any Registrar requires a new Registry Book, or any other book for the use of his office, the same shall, on his application therefor, in writing, be furnished to him by the Treasurer, and all such books so furnished shall be paid for by the Treasurer out of the County or City funds as the case may be; and all such Books so furnished, used and kept, shall be deemed to be the property of Her Majesty for the use and benefit of the public; and the Inspector shall have power, when, for the dispatch of business, he may find it necessary, by order in writing, to permit more than one Registry book to be in use at the same time for the same municipality.

**23.** If the Treasurer refuses or neglects to furnish such books within thirty days after such application therefor, the Registrar may provide the same and recover the costs thereof from the Municipality of the County or City so in default.

**24.** The Judge of the County Court or Warden of the County, or Mayor of a City, shall give a certificate respecting each Registry or other Book, so furnished or provided, in the form D, or to the like effect, in the Appendix hereto, and in case of refusal shall be liable to the same penalties as are imposed by section twenty-seven of this Act.

**25.** When any County, City, Town, Incorporated Village, Township, reputed Township or place, making part of a County wherein a separate Registry Office is or has been kept, is or has been detached from some union or County and set apart for Registration purposes, or attached to or made part of another county for which a separate Registry Office is also kept, or when a separate Registry Office is established in any County or junior County, according to the provisions of this Act, the Registrar of the County from which such localities are so detached, shall deliver to the Registrar of the County set apart, or of the County

County whereunto the same is attached, the Registry Book or Books and all other Books and Indices which have been kept according to the statute, exclusively for such County, City, Town, Incorporated Village, Township or reputed Township or place, the original memorials and original duplicates of all deeds, conveyances and wills of, or relating exclusively to, any lands within the same, and all other instruments, and all maps of Cities, Towns or Villages within the same, lodged according to law in his office; also a statement of all titles to lands within such detached localities, registered before separate Registry Books were kept for each Township or place, which statement shall contain a schedule of all memorials and other registered instruments which are so delivered, and also an exact copy of all memorials and other registered documents affecting such lands which, by reason of their relating to two or more localities cannot be delivered, and such statement shall also contain the same particulars with regard to wills, and shall be accompanied by indices of names, and an index of lots, which shall be considered as a part of the said statement; such Registrar shall also furnish therewith a statement and copy of all wills and other instruments registered in any general Registry Book and shall carefully compare such statement with the original entries in the Registry Books in his office, and indorse a certificate to that effect on the statement when furnishing the same; the Registrar receiving such books, and his successors, shall keep the same among the Registry Books of his office, and deal with them in all respects in like manner as those originally supplied to and kept therein.

Statement to be furnished from general registry book.

Duty of Registrar receiving the same.

**26.** Any Registrar who refuses to deliver such books, plans, duplicates, indices or memorials, as aforesaid, within six months after demand in writing therefor, made upon him by the Registrar entitled to receive the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof, before any Court of Oyer and Terminer and General Gaol Delivery, shall forfeit his office and be liable to a fine, in the discretion of such Court, not exceeding four hundred dollars.

Penalty on Registrar refusing to make such transfer, &c.

**27.** In case any Registrar is removed from or shall resign his office, he shall forthwith deliver up all books, plans, instruments, memorials and indices in his possession, as such Registrar, to the person who is appointed Registrar in his stead, or to any other person who may be specially appointed in writing, by Her Majesty's Attorney-General for Ontario to receive the same, and if such Registrar refuses to do so, the Attorney-General may direct the Sheriff of the county to seize and take immediate possession of the same wheresoever found, and the Registrar so offending shall be liable to a fine, in the discretion of the Court, not exceeding two thousand dollars, and to any term of imprisonment, if the Court think fit to impose it in addition to the fine, not exceeding one year.

Registrar removed or resigning to deliver up books, &c.

Proceedings in case of refusal.



Duty of Registrars receiving original memorials, &c., from another county

28. All Registrars who have received or shall receive from another County original memorials, instruments, and statements of title therewith, shall so soon as practicable, after the passing of this Act, make full and complete copies of all such memorials and instruments in proper books, and in the same order and relation in which they were originally registered, inserting in the margin of the Registry Books, opposite to each memorial or instrument, the number thereof, and the particular time at which such memorial or instrument was originally recorded, as indorsed on the back thereof by the Registrar or his Deputy, at the time of the original registration thereof.

Provision when any book becomes unfit for further use; copy to be made.

29. Whenever, in any Registry Office, any book from age or use, is becoming obliterated or unfit for future use, the Inspector shall, by directions in writing under his hand, order such book to be re-copied in a book of like description as that required under the twenty-second section of this Act, so far as the same can be deciphered, by examination thereof and of the original memorials relating thereto, which book having the order of such Inspector for the copying thereof, under the hand of the Inspector, inserted at the beginning of the book, and having the affidavit or declaration of the Registrar or his Deputy, at the end of such book, to the effect that such book so copied, is a true copy of the original book of which it purports to be a copy, shall be to all intents and purposes, accepted and received as the original book, and as *prima facie* evidence that such copy is a true copy of the original book; every such original book shall, nevertheless, be carefully preserved, notwithstanding a copy thereof shall have been made, and every such Registrar or his Deputy, shall be obliged to make his affidavit or declaration in this section mentioned, and the Inspector shall have power to order any book which is out of repair and unfit for use to be repaired in such manner as he may think necessary; and he shall also have power to order plans and maps deposited in any Registry Office, to be copied, mounted or bound, to be preserved in such manner as he may think necessary.

Original to be preserved.

Each Registrar to make an Abstract Index to lots.

What it shall contain.

30. The Registrar, where the same has not been completed, shall, in a proper book kept for the purpose, and called the "Abstract Index," enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or as defined on any plan of the subdivision of any such land into smaller sections or lots after such plan shall have been filed in the Registry Office, and every instrument registered on and after the said first day of January, one thousand eight hundred and sixty-six, mentioning any such parcel or lot of land or other subdivision, and the names of all persons to each instrument, and the nature of it, (such as a "Will," "Grant," "Lease," "Power of Attorney,") the numbers of registration of all such instruments, for each municipality

municipality in which the land mentioned therein is situate, and the day, month, and year, of their registry, and the consideration or mortgage money mentioned therein, shall, by the Registrar, in addition to all entries now required, be entered in regular order and rotation under the proper heading of each such separate parcel or lot of land mentioned in such instrument, and the book or books, to be so kept by each Registrar, for the purpose of making the said entries, shall be in the form or nearly so of Schedule L, in the appendix hereto.

**31.** Every Registrar shall also, for each township, city, town, and incorporated village, keep an Alphabetical Index of names exhibiting in columns the number of each instrument, the names of the different grantors, and the names of the grantees, according to the form of Schedule M of this Act.

Also an index of names for each locality.

**32.** In order to make every Index required by this Act complete, it shall be the duty of each Registrar in all cases when the Abstract or Alphabetical Indices have not been heretofore kept substantially as herein provided, to enter all the registrations affecting lands, which may have been recorded before the passing of this Act, in the same manner and in the like books as provided in the thirtieth and thirty-first sections of this Act.

Indices to be completed as to registrations before the passing of this Act.

#### INSTRUMENTS THAT MAY BE REGISTERED.

**33.** The following instruments and proceedings may be registered, namely :

What may be registered.

1. Grants from the Crown, deeds, conveyances, assurances, bonds and agreements for the sale or purchase of land, and all other instruments, including sheriffs' deeds of land sold by virtue of their office, or in any wise affecting, in law or in equity, lands in Ontario ;

Grants, &c.

2. Powers of Attorney under which any such Deed, Conveyance, Assurance, Discharge of Mortgage or other Instrument, has been or may be executed ;

Powers of Attorney.

3. Wills and Devises of or affecting any such lands ;

Wills.

4. Certificates of decrees of foreclosure and all other decrees or proceedings affecting any title or interest in lands ;

Decrees.

5. Certificates of the filing or dismissal of any Bill, or the taking of any proceedings in Chancery or in a County Court on its equity side, whereby any title to or interest in land may be brought in question ;

Certificates of proceedings in Chancery, &c.

6. Certificates of Satisfaction of Mortgages ;

Of satisfaction.

Of payment of taxes.

7. Certificates of payment of taxes, granted under the corporate seal of the County or City municipality by the Treasurer;

Others in sec. 1.

8. And all other Instruments in the first section of this Act mentioned.

#### HOW REGISTERED.

Crown Grants.

**34.** Grants from the Crown shall be registered by the production thereof to the Registrar, with a true copy sworn to by any person who may have compared the same with the original, such copy to be filed with the Registrar, and all other instruments, excepting wills, shall be registered by the deposit of the original instrument, or by the deposit of a duplicate or other original part thereof with all the necessary affidavits:

Other instruments, except wills.

List of marriages.

1. Lists of Marriages received by the Registrar of the county or city under the seventy-second chapter of the Consolidated Statutes for Upper Canada, shall be registered by filing the same among the records of his office, and entering the same in a book to be kept by him for the purpose.

Con. Stat. U.C. c. 72.

Wills.

**35.** Every Will shall be registered at full length by the production of the original will and the deposit of a copy thereof, with an affidavit sworn to by one of the witnesses to the Will, proving the due execution thereof by the testator, or by the production of probate or letters of administration with the will annexed, under the seal of any Court in this Province, or in Great Britain and Ireland, or in any British Province, Colony, or possession having jurisdiction therein, and by the deposit of a copy of such probate or letters of administration, with an affidavit verifying such copy.

Registration of instruments executed before 1st Jan., 1866.

**36.** The Registration of all instruments executed before the first of January, one thousand eight hundred and sixty-six, may be made in like manner through memorials or by certificate or otherwise, as provided by the law in force prior to the Registry Act passed in the year one thousand eight hundred and sixty-five.

Proof of registration of instruments executed before 1st Jan., 1866. &c.

**37.** The proof that would have been sufficient for the registration of any instrument before the first day of January, one thousand eight hundred and sixty-six, shall be deemed sufficient for the registration hereafter of any such Instrument that may have been executed prior to the first day of January, one thousand eight hundred and sixty-six; but in any such case the Instrument shall be registered at length, and the memorial and affidavit shall be deposited and filed in lieu of an original or duplicate.

#### PROOF FOR REGISTRATION.

Facts to be proved: affidavit.

**38.** In the case of an Instrument other than a Will, a subscribing Witness to such Instrument shall in an affidavit setting forth



forth his name, place of residence, and addition, occupation or calling, in full, swear to the following facts:

1. To the execution of the original and duplicate if any there be.

2. To the place of execution:

3. That he knew the parties to such Instrument, if such be the fact; or that he knew such one or more of them, according to the fact;

4. That he is a subscribing witness thereto. The affidavit may be in the form E, or to the like effect in the appendix hereto.

**39.** The said affidavit shall be made on the said Instrument, or securely attached thereto, and such Instrument and affidavit shall be copied at full length in the Registry Book. Affidavit to be registered.

**40.** When any Instrument is executed by one or more Grantors, but not by all of them, in presence of the same witness or witnesses, and by one or more of the other parties thereto in presence of another witness or other witnesses, then and in such case the witness or one of the witnesses, whether the same be so executed in the same or in different places, shall make an affidavit in accordance with the thirty-eighth section as to each separate and distinct execution of the Instrument before the same shall be registered. When different witnesses see different Grantors execute.

**41.** Every affidavit made under the authority of this Act shall be made before any of the following persons: Before whom to be sworn.

1. If made in Ontario, it shall be made before— In Ontario.  
The Registrar or Deputy Registrar of the County in which the lands lie,

Or, before a Judge of any of the Superior Courts of Law or Equity,

Or, before any Judge of a County Court within his County,  
Or, before a Commissioner authorized by any of the Superior Courts to take affidavits.

2. If made in Quebec, it shall be made before— In Quebec.  
A Judge or Prothonotary of the Superior Court or Clerk of the Circuit Court,

Or, before a Commissioner authorized by any of the Superior Courts of Common Law for Ontario to take affidavits in Quebec,

Or, before any Notary Public in Quebec, certified under his official seal.

3. If made in Great Britain or Ireland, it shall be made before— In United Kingdom

- A Judge of any of the Superior Courts of Law or Equity therein,
- Or, before a Judge of any of the County Courts within his County,
- Or, before the Mayor or Chief Magistrate of any City, Borough or Town corporate therein, and certified under the Common Seal of such City, Borough or Town corporate,
- Or, before a Commissioner for taking affidavits in and for any of the Courts of Record for the Province of Ontario,
- Or, before any Notary Public certified under his official seal.

In a British Colony.

- 4. If made in any British Colony or possession, it shall be made before—  
A Judge of a Court of Record,
- Or, before the Mayor of any City, Borough or Town corporate, and certified under the Common seal of such City, Borough or Town,
- Or, before any Notary Public, certified under his official seal,
- Or, if made in the British Possessions in India, before any Magistrate or Collector, certified to have been such under the hand of the Governor of such possession.

In a Foreign Country.

- 5. If made in any Foreign Country, it shall be made before—  
The Mayor of any City, Borough or Town corporate of such Country, and certified under the Common seal of such City, Borough or Town corporate,
- Or, before any Consul or Vice Consul of Her Majesty, resident therein,
- Or, before a judge of a court of record or a Notary Public, certified under his official seal.

Witnesses compellable to make affidavit.

- 42. Every subscribing witness shall be compellable, when necessary, by order of a Judge of any of the Superior Courts or County Courts, to make affidavit or proof of the execution of any Instrument for the purpose of Registration under this Act, and to do all other acts necessary for the same purpose, upon being paid or duly tendered his reasonable expenses therefor.

Affirmation or declaration in certain cases.

- 43. The proof may be either by affidavit or by affirmation or declaration, when by the law of the Country where such proof is made, an affirmation or declaration may be substituted for an affidavit, and the Registrar shall receive such Instruments so proved without any other or further proof of their due execution.

Parties not to make affidavits

- 44. None of the persons authorized to take affidavits by this Act shall take any affidavit of the execution of any Instrument,  
in

in case he is a party to such Instrument, nor shall any such affidavit of the proof of any Instrument executed after the first day of January, one thousand eight hundred and sixty-six, be taken from any witness, unless such witness has subscribed his name in his own handwriting as such witness.

Witnesses must have signed as such.

45. When the witnesses to any Instrument are dead or are out of this Province, any person who is or claims to be interested in the Registration of the Instrument, may make proof before the Judge of any County Court in Ontario, of the execution of such Instrument, and upon a certificate (according to the form F in the appendix hereto) endorsed on such Instrument and signed by such Judge, that the Judge is satisfied by the proof adduced of the due execution of the Instrument, the Registrar shall register such Instrument and Certificate.

When witnesses are dead or out of the Province.

46. The Seal of any court of record or of any Corporation affixed to any Instrument in writing shall, of itself, with the signature of the Secretary or presiding officer thereof be sufficient evidence of the due execution of the same by such Corporation, or by the Judge, Registrar, Clerk or officer of the Court, signing the same, for all purposes respecting the registration thereof, and no further evidence or verification of such execution shall be required for the purpose of registry.

Seal of court or corporation to suffice for registration.

47. When a Power of Attorney or any Substitution thereof is registered, the Registrar shall deliver a certified copy or copies of such Power or Substitution as may be required of him, and of all the documents aforesaid connected with or relating to the same, under his signature and Seal of Office, in which Certificate he shall declare the time, place and other particulars of registration as in other cases under this Act, and he shall also declare that the copy, which he so delivers, is a true copy of the Power or Substitution, and of all the other documents connected with or relating to the same of which they respectively purport to be copies, and that the originals have been duly deposited in his office according to the statute in that behalf.

Registrar to deliver certified copy of power of attorney registered.

48. Every such certified copy where the original Power or Substitution is deposited as aforesaid, may be registered in any other Registry Office, by deposit thereof, without production of the original Power or Substitution, and without proof of any kind, other than the production of the copy so certified as aforesaid.

Use and effect of such certified copy.

49. Every such certified copy of a Power of Attorney or Substitution, shall be received in all cases in place of the original as *prima facie* evidence of the original Power or Substitution, and of due execution; Provided always, that notice has been given in the manner set forth in section fifty-one of this Act.

To be *prima facie* evidence.



Notarial copies of instrument executed in Quebec may be registered, &c.

**50.** Every Notarial copy of any instrument executed in Quebec, the original of which is filed in any Notarial Office according to the law of Quebec, and which cannot, therefore, be produced in Ontario, shall be received in lieu of and as *prima facie* evidence of the original instrument, and may be registered and treated under this Act for all purposes as if it were in fact the original instrument, and such Notarial copy shall be registered without any other or further proof of the execution of the same, or of the original thereof, with the seal of the Notary attached.

ertified copies of registered instruments may be used instead of originals, after notice.

**51.** In any action at law, or suit in equity, where but for this Act it would be necessary to produce and prove any original instrument in order to establish such instrument and the contents thereof, the party intending to prove any such original instrument may give notice to the opposite party ten days at least before the trial, or other proceeding in which the said proof is intended to be adduced, that he intends at the said trial or other proceeding to give, in evidence as proof of such original instrument, a copy thereof certified by the Registrar under his hand and seal of office, and in every such case the copy so certified shall be sufficient evidence of the original instrument, and of its validity and contents, unless the party receiving such notice does, within four days after such receipt, give notice that he disputes the validity of such original instrument, in which case the costs of producing and proving such original may be ordered by the court or judge to be paid by any or either of the parties as shall be deemed right.

Exception.

Cost in such cases.

#### MANNER OF REGISTERING.

All registrations to be at full length and how.

**52.** All instruments that may be registered under this Act shall be registered at full length, including every certificate and affidavit, excepting certificates by the Registrar, accompanying the same, upon and by the delivery to the Registrar of the original instrument, when but one is executed, or when such instrument is in two or more original parts, upon and by delivery of one of such parts.

Instruments in two or more parts.

**53.** In case one of two or more original parts is registered, the Registrar shall endorse upon each of such original parts a certificate of such registration, in the form to this Act, marked G, and such original, so certified, shall be received as *prima facie* evidence of the registration and of the due execution of the same.

Instruments relating to several lots in different localities.

**54.** When any instrument shall include different lots or parcels of land situate in different municipalities in the same county, it shall only be necessary to furnish one duplicate original of such instrument, with an affidavit of its execution, and such duplicate original and affidavit shall be copied into the Registry Book pertaining to each city, town, incorporated village, township, or place wherein the lands therein mentioned

tioned are situate, and the Registrar shall make the necessary entries and certificates accordingly.

55. The Registrar or Deputy Registrar of the County in which the lands are situate shall, upon production to him of the original Instrument, duplicate or other original part thereof, together with an affidavit of execution, enter the said Instrument in the Registry Book, in the order in which it is received, and he shall file the same with such affidavit of execution, and he shall endorse a certificate on every such Instrument in the form G to this Act, and shall therein mention the certain year, month, day, hour and minute in which such Instrument is entered and registered, expressing also in what book the same has been entered, and the number of registration; and the said Registrar or his Deputy shall sign the said Certificate when so endorsed, which certificate shall be taken and allowed as evidence of such respective registries in all Courts of Record; Provided always, that it shall not be necessary to register in full the deed of assignment from the Bank of Upper Canada to Thomas C. Street, Robert Cassells, Peter Paterson, Hugh C. Barwick, and Peleg Howland, bearing date the twelfth day of November, in the year of our Lord one thousand eight hundred and sixty-six, and confirmed by the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, intituled "An Act for the settlement of the Affairs of the Bank of Upper Canada," chapter seventeen, which shall be deemed validly registered, in any County or City, if registered in the manner provided in and by the said Act, or by a declaration under the corporate seal of the Trustees of the Bank of Upper Canada in the form following:

Copying into  
Registry Book.

Filing away  
instrument and  
affidavit.

Certificate and  
its effect.

Assignment  
from Bank U.C.  
to Trustees may  
be registered  
in manner pro-  
vided by Act of  
Canada 31 Vic.  
c. 17.

Or as provided  
by this Act.

"The Trustees of the Bank of Upper Canada declare that the undermentioned lands were, among other lands, granted and conveyed by the Bank of Upper Canada to Thomas C. Street, Robert Cassells, Peter Paterson, Hugh C. Barwick, and Peleg Howland, their heirs and assigns, by indenture, bearing date the twelfth day of November, in the year of our Lord one thousand eight hundred and sixty-six, and that the same are held by the Trustees of the said Bank of Upper Canada as a Corporation, under and by virtue of the Act passed by the Parliament of Canada in the thirty-first year of Her Majesty's Reign, intituled "An Act for the Settlement of the Affairs of the Bank of Upper Canada." Form.

(Set out the land.)

"In witness whereof the Trustees have herunto set their corporate seal, at the City of Toronto, the  
day of \_\_\_\_\_, in the year of our Lord 18 \_\_\_\_."

56. Every page of the Registry Book, and every Instrument entered therein shall be numbered, and the certain year, month, day,

Pages and in-  
struments to be  
numbered.

day, hour and minute of registration shall be entered in the margin of the Registry Books, in the form H to this Act; and such entry shall be signed by the Registrar or his deputy and shall also be endorsed upon every duplicate of such instrument.

Filing of Bill,  
&c., not to be  
notice until  
registered.

**57.** The filing of any bill, or the taking of any proceedings in the Court of Chancery in Ontario, or County Court on its equity side, in which bill or proceeding, any title or interest in lands shall be brought into question, shall not be deemed notice of such bill or proceeding to any person not being a party thereto, unless and until a certificate given by the Registrar, Deputy Registrar or Clerk of the Court, to some person demanding the same, in the form mentioned in the schedule to this Act annexed marked I, shall have been registered in the Registry Office of the County in which such lands are situate; but no such certificate shall be required in any suit or proceeding for foreclosure or sale upon a registered mortgage.

Exception.

Registry of  
sales for taxes.

**58.** Every deed made by a Sheriff or other Officer for arrears of taxes shall be registered within eighteen months after the sale by such Sheriff or other Officer; and all deeds of lands sold under process issued from any of the Courts of Law or Equity in Ontario, shall be registered within six months after the sale of such lands, otherwise the parties respectively claiming under any of such sales, shall not be deemed to have preserved their priority as against a purchaser in good faith who may have registered his deed prior to the registration of such deed from the Sheriff or other Officer.

Other sales  
under process  
of Court.

Sales for taxes  
before this Act.

**59.** All deeds for lands sold for taxes, or under process of Law, before the passing of this Act, shall be registered within one year after the passing of this Act, otherwise the parties respectively claiming under any such sales shall not be deemed to have preserved their priority as against a purchaser in good faith who may have acquired priority of registration.

Satisfaction of  
mortgage how  
registered.

**60.** When any registered mortgage shall have been satisfied, the Registrar, on receiving a certificate executed by the mortgagee, or if the mortgage has been assigned and such assignment registered, then executed by such assignee, or by such other person as may be entitled by law to receive the money and to discharge such mortgage, in the form J, in the Appendix hereto, or to the like effect, executed in the presence of one witness, and duly proven by the oath of the subscribing witness thereto, in the same manner as herein is provided for the proof of other instruments affecting lands, shall register the same, and every affidavit attached thereto or endorsed thereon, at full length in its proper order, in the Registry Book, and numbering it in like manner as other Instruments are required to be registered and numbered, and also by writing in the margin of the register wherein the said mortgage has been registered,

Entry in mar-  
gin of Register.

words



words to the following effect: "——— See certificate purporting to be discharge signed by ———, (*naming the person who has executed the same*)," and "See Registry number ——— of such certificate ——— Book (*stating the same according to the fact*)," and to which marginal entry the Registrar or his Deputy shall affix his name, and the same shall be deemed a discharge of such mortgage, and such certificate so registered shall be as valid and effectual in law as a release of such mortgage, and as a conveyance to the mortgagor, his heirs, executors, administrators, or assigns, or any person lawfully claiming by, through or under him or them, of the original estate of the mortgagor.

Effect of such registration.

**61.** In case the mortgagee or any assignee of the mortgagee desires to release or discharge part only of the lands contained in such mortgage, or to release or discharge only part of the money specified in the mortgage, he may do so by deed or by a certificate to be made, executed, proven, and registered in the same manner as in cases when the whole lands and mortgage are wholly released and discharged; and such deed or certificate shall contain as precise a description of the portion of lands so released or discharged as would be necessary to be contained in an instrument of conveyance for Registry under this Act, and also a precise statement of the amount or particular sum or sums so released or discharged.

As to release of part only of lands mortgaged.

Portion released to be described.

**62.** Every certificate of payment or discharge of the mortgage, or of the conditions therein, or of the lands or of any part of the same, or of any part of the money, by the mortgagee, or his assignee, his heirs, executors, administrators, or assigns, or any one of them, at whatsoever time given, and whether before or after the time limited by the mortgage for payment or performance, shall be valid, if in conformity with this Act, to all intents and purposes whatsoever, as herein mentioned.

Certificate of payment, &c., to be valid, at whatever time given.

**63.** All By-laws hereafter to be passed by any Municipal Council, under the authority of which any street, road, or highway shall be opened upon any private property, shall before the same becomes effectual in law, be duly registered in the Registry Office of the county where the land is situate, and for the purpose of registration, a duplicate original of such By-law shall be made out certified under the hand of the clerk and the seal of the Municipality, and shall be registered without any further proof; and all By-laws heretofore passed and all orders and resolutions of the Quarter Sessions heretofore passed, under the authority of which any street, road, or highway, has already been opened upon any private property, may, at the election of any party interested and at the cost and charges of such party or Municipality, be also duly registered, upon the production to the Registrar of a duly certified copy of such By-law under the hand of the Municipal clerk and seal of such Municipality, or by a duly certified copy of such order or resolution of such

By-laws hereafter made affecting real estate to be registered and how.

As to By-laws, &c., heretofore made.

Quarter

Quarter Sessions, given under the hand and seal of the Clerk of the Peace, as the case may be.

EFFECT OF REGISTERING OR OMITTING TO REGISTER.

Unregistered instruments after Crown Grant, to be void against subsequent registered purchaser, &c.

**64.** After any grant from the Crown of Lands in Ontario, and Letters Patent issued therefor, every instrument affecting the lands or any part thereof comprised in such grant shall be adjudged fraudulent and void against any subsequent purchaser or mortgagee for valuable consideration, unless such instrument is registered in the manner herein directed before the registering of the instrument under which such subsequent purchaser or mortgagee may claim.

Wills not registered within a certain time to be void as against, &c.

**65.** All Wills or the probates thereof registered within the space of twelve months next after the death of the Devisor, Testator or Testatrix, shall be as valid and effectual against subsequent purchasers and mortgagees, as if the same had been registered immediately after such death; and in case the devisee, or person interested in the lands devised in any such Will, is disabled from registering the same within the said time by reason of the contesting of such Will or by any other inevitable difficulty without his or her wilful neglect or default, then the registration of the same within the space of twelve months next after his or her attainment of such Will or Probate thereof, or the removal of the impediment aforesaid, shall be a sufficient registration within the meaning of this Act.

Registry to be notice.

**66.** The registry of any instrument, under this Act, or any former Act, shall, in equity, constitute notice of such instrument, to all persons claiming any interest in such lands subsequent to such registry.

Actual notice.

**67.** Priority of registration shall in all cases prevail unless before such prior registration there shall have been actual notice of the prior instrument by the party claiming under the prior registration.

As to equitable liens, &c.

**68.** No equitable lien, charge, or interest affecting land shall be deemed valid in any Court in this Province after this Act shall come into operation, as against a registered instrument executed by the same party, his heirs or assigns; and tacking shall not be allowed in any case to prevail against the provisions of this Act.

Tacking.

What leases must be registered.

**69.** This Act shall not extend to any lease for a term not exceeding seven years, where the actual possession goeth along with the lease; but it shall extend to every lease for a longer term than seven years.

FEEs OF REGISTRARS.

Fees.

**70.** Every Registrar shall be allowed the following fees for the following services, and no more:

1. For the necessary entries and certificate in registering every instrument other than those hereinafter specially provided for, including among such certificates the certificate on the duplicate, if any, forty cents, and for registering every instrument, other than those hereinafter specially provided for, one dollar; but in case the said instrument exceeds seven hundred words, then at the rate of fifteen cents for each additional one hundred words or the fractional part thereof, up to fourteen hundred words, and at the rate of ten cents for each additional hundred words or fractional part thereof over fourteen hundred; and if the memorial or other instrument embraces different lots or parcels of lands, situate in different localities in the same county, the registration and copying of such, including all necessary entries and certificates thereof into the different registry books, shall be considered separate and distinct registrations of such instruments, but shall be charged for and paid at the rate of forty cents for the necessary entries and certificate, and for the said instrument, fifteen cents for every one hundred words, or the fractional part thereof up to fourteen hundred, and of all over that, at the rate of ten cents for each hundred words or fractional part thereof;

For registry.

If the instrument includes different lots in different localities.

2. For searching the Registry Books and Indices relating to the title of any lot or part of a lot of land as originally patented by the Crown, or as afterwards subdivided into smaller lots, shewn by any registered map or plan thereof, when not exceeding four references, twenty-five cents, and five cents for every additional reference; but in no case shall a general search into the title to any particular lot, piece or parcel of land exceed the sum of two dollars;

For searches as to title.

3. For searching, if specially required, the Alphabetical Index of names referred to in section thirty-one as to each name in the books of any one township, or other legally defined municipality in the county, twenty-five cents; Provided, always, that if a general search as to any such name is made throughout the county, the aggregate of fees for such search shall not exceed one dollar;

Searching Index.

General search.

4. For every abstract of title to any specific parcel of land certified by the Registrar containing such particulars as to any number of the registered instruments affecting such parcel of land as the party searching shall require, twenty-five cents, and when such abstract exceeds one hundred words, fifteen cents for every additional hundred words; and for copies of instruments when required, ten cents for each hundred words;

Abstracts of title.

5. For each certificate furnished by the Registrar, except those made under sub-sections one and four of this section, twenty-five cents;

Certificates:



Filing plans.

6. For registration of any plan of town or village lots, including all necessary entries connected therewith, one dollar ;

Statements  
under Secs. 23,  
28. 29.

7. For furnishing the statement and copies required under the twenty-fifth, twenty-eighth, and twenty-ninth sections of this Act, to be paid by the County Treasurer to which any city, town, township, village or place may belong or be attached, the sum of ten cents for every folio of one hundred words contained in such statement so furnished or copy so made, and the County Treasurer shall also pay such sum as the Inspector may order in writing, specifying the nature of the service under any section of this Act, for repairing any book, or copying, mounting, or binding plans under the provision of section twenty-nine of this Act ; and towns separated from counties for municipal purposes and cities in which no separate Registry Office exists shall bear a rateable proportion of the expense thereof, based on the assessment of all the municipalities within the jurisdiction of such county ;

Entering lots  
under Sec. 32.

8. For entering under each lot the registrations made before the first day of January one thousand eight hundred and sixty-six, the sum of ten cents for the several entries and reference of each instrument so entered to be paid for in the same manner as provided for in the next preceding sub-section ; Provided, always, that no fees shall be chargeable in respect of the Alphabetical Index, and in no case shall the fees chargeable in respect of the Abstract Index, for any county, exceed in the whole the sum of two thousand dollars ;

Proviso

Lists of marriages. Con.  
Stat. U. C. c. 72

9. For filing and registering each list of marriages delivered to him, under chapter seventy-two of the Consolidated Statutes for Upper Canada, one dollar ;

Affidavits.

10. For drawing each affidavit and swearing the deponent thereto, twenty-five cents ; the same fee to be allowed for administering the oath when such only is required ;

Shewing originals.

11. For exhibiting in the office each original registered instrument, including search for same, ten cents ;

Certificates of discharge.

12. For registering each certificate of payment of mortgage money, and every other certificate excepting certificates provided for in the next sub-section, including all entries and certificates thereof, fifty cents ;

Of payment of taxes.

13. For registering each certificate of payment of taxes, twenty-five cents ;

Figures how charged.

14. In abstracts and certificates where figures are used instead of words to denote dates, numbers and quantities, the same shall be charged as if each number, though composed of several figures, were but one word ;

15. Each Registrar shall keep posted up in some conspicuous place in his office a printed schedule of the fees and charges authorized under this Act. Table of fees.

71. A sum not exceeding two thousand dollars per annum, which shall include all travelling and other expenses, shall be allowed to an Inspector of Registry offices. Pay of inspector

72. Should the Treasurer of any County or City in which a separate Registry Office is established, on the request of the Registrar for the duties performed according to this Act, refuse to pay the fees and allowances for any services required by this Act, such Registrar may prove the same and recover the same and the costs thereof from the corporation of the County or City in any Court of Record in Ontario; and the Inspector's certificate of the amount and of the services rendered shall be *prima facie* evidence of the right to recover. Recovery of fees from municipal corporations.  
  
Evidence.

73. The Registrar shall not be compelled to register any instrument unless the fees authorized by this Act are first paid thereon. Fees payable before registration.

74. Every Registrar shall keep a separate book in which he shall enter, from day to day, all fees and emoluments received by him by virtue of his office, shewing separately the sums received for registering each instrument, and for searches, and for extracts or copies, and shall make up to, and including the thirty-first day of December of the previous year, a return, under oath, of such fees and emoluments so received to the Lieutenant-Governor, annually, on the fifteenth day of January. Registrars to keep accounts of fees.  
  
Return.

#### MISCELLANEOUS PROVISIONS.

75. Whenever any land or original town or township lot has been surveyed or sub-divided into town or village lots, or other lots so differing from the manner in which such land or lot was surveyed or granted by the Crown, that the same cannot or is not, by the description given of it, easily and plainly to be identified, the person, corporation or company making such survey or sub-division, their heirs, executors, administrators or assigns, agents, attorneys or successors, shall within three months from the date of every such survey or sub-division, lodge with the Registrar a plan or a map of the same, shewing the number of the Township or Town Lots, and range or concession, the numbers or letters of Town or Village Lots, and names of streets, the measurement and magnetic bearings of each lot on a scale of not less than one inch to every four chains, and showing thereon all roads, streets, lots and commons within the same, with the courses and widths thereof respectively, and the width and length of all lots, and the courses of all division lines between the respective lots within the same, together with such information as will show the lots, concessions, tracts or blocks of land of the Township wherein the same is situate, and Registration of plans of division of lands into smaller parcels.  
  
Scale of plan, and what to shew.

Duty of Registrars thereafter

Instruments must conform to such plan.

Penalty for refusing such plan.

How recovered

To what lands this section applies.

When plan must be registered in case of lands sub-divided before this Act.

How to be made.

Plan not binding until some sale is made under it; alterations in plan.

and every such map or plan shall be certified by some Provincial Land Surveyor in the form appended to this Act marked K; and thenceforth the Registrar shall keep an index of the lands described and designated by any number or letter on such map or plan, by the name by which such person, corporation or company designates the same in the manner provided by this Act; and all instruments affecting the land or any part thereof, executed after such plan shall conform thereto, otherwise the same shall not be registered; and in the case of refusal by such person, corporation or company, his or their executors, agents or attorneys, or successors, for two months after demand in writing for that purpose, to lodge the said plan or map when required by any person interested therein, or of the Inspector so to do, he or they shall incur a penalty of twenty dollars for each and every calendar month the said map or plan remains unregistered, which penalty may be recovered by any person complaining, in any Division Court, in the county in which such lands are situated, in like manner as a common debt; and this section shall apply as well to lands already surveyed or sub-divided as to those which may hereafter be surveyed or sub-divided, subject to the next succeeding section.

**76.** In sales of lands under surveys or sub-divisions made before the passing of this Act, when such surveys or sub-divisions so differ from the manner in which such land was surveyed or granted by the Crown that the parcel so sold cannot be easily identified, the plan or survey shall be registered within six months after the passing of this Act, if the plan or survey is still in existence and procurable for registration and filing under the next preceding section, and if it is not, a new survey or plan shall be made by and at the joint expense of the persons who have made such surveys or sub-divisions, and of all others interested therein, by some duly authorized Provincial Land Surveyor, as nearly as may be according to the proper original survey or sub-division, and the same when so made shall be filed as if under the next preceding section of this Act.

**77.** In no case shall any plan or survey, although filed and registered, be binding on the person so filing or registering the same, or upon any other person, unless a sale has been made according to such plan or survey, and in all cases amendments or alterations of any such plan or survey may be ordered to be made, at the instance of the person filing or registering the same, by the Court of Queen's Bench or Common Pleas, or by the Court of Chancery, or by any Judge of any of the said Courts, or by the Judge of the County Court of the County in which the lands lie, if on application for the purpose duly made, and upon hearing all parties concerned, it shall be thought fit and just so to order, and upon such terms and conditions as to costs and otherwise as may be deemed expedient.

Plans of towns

**78.** In each and every case in Ontario where any incorporated



porated town or village, or village not incorporated, comprises different parcels of land owned at the original division thereof by different persons, and the same were not jointly surveyed and one entire plan of such survey made and filed in accordance with the seventy-fifth section of this Act, the municipality of the township within which such village is situated, or the municipality of such incorporated town or village, shall upon the written request of the Inspector or of any person interested, addressed to the Clerk of such municipality, immediately cause a plan of such town or village to be made upon the scale provided for under this Act, and to be registered in the Registrar's Office of the County within which such village lies, which map or plan shall have endorsed thereon the certificates of the Clerk and head of the municipality and surveyor, that the same is prepared according to the directions of such municipality, and in accordance with this Act, and to which map or plan the corporate seal of the municipality shall be attached; and the expense attending the getting up and depositing such map or plan shall be paid out of the general funds of the municipality, except in the case of unincorporated Villages where the same shall be paid by a special rate to be levied by assessment on all rateable property, comprised in the Village as described by metes and bounds in a By-law to be passed by the Municipality for the purpose of levying such rate; and in case of the refusal of such municipality to comply with all the requirements of this section within six months next after being required in manner aforesaid so to do, such municipality shall incur the same penalty, and the same shall be recoverable in the same manner as provided in the seventy-fifth section of this Act.

or villages to be registered in certain cases.

How to be certified.

Expense how paid.

**79.** In any case when the Registry Books and papers have been heretofore lost or destroyed and the memorials are not forthcoming, upon proof being made to that effect before any Judge of a Court of Record in Ontario to the satisfaction of such Judge as evidenced by a certificate under his hand, it shall be lawful for the Registrar for the County where the lands are situate to register the instrument upon production thereof, and no further proof shall be required by the Registrar than the original certificate of Registration endorsed on such instrument; and any such instrument shall have priority according to the date of the original certificate; Provided always that the instrument shall be filed away by the Registrar and preserved with the records of his office, and in case memorials have not been copied into the Registry Books in their proper order, the Inspector may cause the same to be entered in proper Books to be procured for the purpose, in the same manner as provided for in section twenty-two of this Act, and the Registrar shall be paid therefor in the same manner as under sub-section seven of the seventieth section of this Act.

Provisions for re-registration in case Registry Books or papers are lost or destroyed.

**80.** No registration of any deed or other instrument heretofore made shall be deemed or adjudged void by reason of the name

Registration heretofore made not to be

deemed void  
for certain  
defects.

Registration in  
books for unin-  
corporated vil-  
lages

Proviso.

name or names, residence or residences, addition or additions of the witness or witnesses to such deed or instrument being improperly given or described in the registered memorial thereof, or being either in part or altogether omitted from such memorial, or by reason of any clerical error or omission of a formal or technical character therein; and all registrations heretofore effected in separate Registry Books of unincorporated villages, are hereby confirmed, when the law has been otherwise complied with; and such separate Registry Books shall be taken and held to form a part of the Registry Books of the Municipality of which such unincorporated village forms a part; Provided always that this clause shall not affect any case or cases now proceeding in any of the Courts of Law or Equity in Ontario, nor shall such books be further continued to be used.

Provincial Re-  
gistrar to fur-  
nish statement  
of all Crown  
Grants before  
1st Jan., 1866

And so once  
every three  
months.

Maps to be fur-  
nished by Com-  
missioner of  
Crown Lands.

**81.** The Provincial Registrar, so soon after the first day of January next, as is practicable, shall furnish to each Registrar a statement containing full descriptions by metes and bounds of all lands heretofore granted by the Crown with the names of the grantees and dates in all cases where a general description such as "North or South half," or "North East or North West quarter" has not and cannot be given, and where particular descriptions are requisite to show clearly the parcels as they are required for the abstract indices; and the said Provincial Registrar shall also thereafter once in every three months, furnish to each Registrar a statement containing a list of the names of all persons to whom patents have issued from the Crown for grants of land within the County, since the former statements, and with such general or particular descriptions as the case shall require; and the Commissioner of Crown Lands shall furnish copies of all plans or maps of towns and townships within the same, which have not been already furnished, and in cases where no proper survey of any township has been made he may cause a proper survey and plan thereof to be made and furnished.

False swearing  
under this Act  
to be perjury.

**82.** Any person forswearing himself before any Registrar or his Deputy, or before any Judge, Commissioner, or other person duly authorized to administer an oath in any of the cases aforesaid, and lawfully convicted, shall incur and be liable to the same penalties as if the oath had been taken in any Court of Record in Ontario.

Forging certi-  
ficates, &c., un-  
der this Act, to  
be felony.

**83.** Any person who forges or counterfeits any certificate by this Act authorized or directed, or any affidavit of the execution of any duplicate original or memorial, or any Instrument whatever mentioned in this Act, shall be deemed guilty of felony, and shall be imprisoned at hard labor in the Penitentiary for any time not less than four years nor more than ten years.

## INSPECTOR OF REGISTRY OFFICES.

**84.** The Lieutenant-Governor may, from time to time, appoint an Inspector of Registry Offices, whose duty shall be to make a personal inspection of the building in which each office is kept, and of the books, deeds, memorials and other Instruments in each Registry Office, to see that the proper books have been and are provided, that they are in good order and condition, that the proper entries and registrations are made therein in a proper manner and in a due and proper form and order, that the indices are properly kept, and that all the memorials and other instruments are duly endorsed and certified, and preserved, to ascertain that the office is kept duly open at and for the proper times, and that it is at all times duly attended to by the Registrar or his Deputy, to settle on some uniform device for the official seals and to see that the Registrars supply themselves therewith, to inspect the Abstract and Alphabetical indices when any such have been kept before this Act shall come into force, and to determine whether the same have or have not been substantially and sufficiently kept in accordance with the requirements of sections thirty and thirty-one of this Act, and if so to settle the amount of fees chargeable therefor, and to certify the same; also to inspect all new Abstract and Alphabetical Indices and to settle and certify the sums chargeable therefor under this Act; and it shall also be his duty to ascertain whether the proper plans required by this Act have been filed in the several Registry Offices, and when necessary, to enforce the provisions of the law in that respect, and he may instruct the County Attorney to take the necessary proceedings for that purpose, and also to report upon any vacancies by death or otherwise, in the offices of Registrar and Deputy Registrar, and he shall inform the Registrar how and in what manner he shall do any particular act or amend or correct whatever he may find amiss, and in case he shall find the work improperly performed by any Registrar he shall have power to order a new Book or Books to be prepared and completed by the Registrar at his own expense, and he shall also ascertain the sufficiency or insufficiency of the sureties for the Registrar, and whether they are living or dead, and he shall report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision.

Appointment of  
Inspector, and  
his duties:

Inspection of  
new Indices.

Reporting  
vacancies

Sufficiency or  
insufficiency of  
sureties.

**85.** No part of this Act shall be read or relied upon to aid or effect the construction of any Statute heretofore in force.

Statutes here-  
tofore in force

**86.** This Act may be cited as the "Registration of Titles (Ontario) Act;"

Title.

**87.** The following is the Appendix, and contains the forms referred to in the foregoing sections of this Act:

Appendix



## FORM A.

*Referred to in the ninth section of this Act.*

Know all Men by these presents that we, A. B. Registrar of  
 Esq., and C. D. of Esq., and E.  
 F. of Esq., do hereby jointly and severally for our  
 and each of our heirs, executors and administrators, covenant and  
 promise, that the said A. B., as Registrar of shall well,  
 truly and faithfully perform the duties and obligations of his office as  
 such Registrar, and that neither he nor his Deputy shall negligently or  
 wilfully misconduct himself in his said office to the damage of any  
 person or persons whomsoever; nevertheless, it is hereby declared that  
 no greater sum shall be recovered under this covenant against the sev-  
 eral parties hereto than the following, that is to say: against the said  
 A. B. in the whole, \$ , [the amount fixed by Order in Council]  
 against the said C. D. and E. F., \$ , respectively [the amount  
 fixed by Order in Council for each.]

In witness whereof we have hereunto set our hands and seals this  
 day of A. D. 18

Signed, sealed and delivered in presence of

}

## FORM B.

*Referred to in the ninth section of this Act.*

County of ) I, A. B., the covenantor in the annexed  
 To wit : ) covenant named (or, one of the sureties in the  
 annexed ) covenant named), make oath and say as  
 follows :

I am seized and possessed to my own use of real, (or real and per-  
 sonal) estate in Ontario, of the actual value of \$ , over and above  
 all charges upon, or incumbrances affecting the same.

Sworn before me at , in the County of  
 this day of , A. D. 18

## FORM C.

*Referred to in the thirteenth Section of this Act.*

## ONTARIO.

County of ) I [name and describe deponent], having been appointed  
 To wit : ) by the Lieutenant-Governor to the office of Registrar, in  
 and for the [name of registration county, &c.,] do swear  
 that

that I will well and truly and faithfully perform and execute all duties required of me, under the laws of this Province, pertaining to the said office, so long as I continue therein, and that I have not given directly or indirectly, nor authorized any person to give any money, gratuity or reward whatsoever for procuring the said office for me.

Sworn before us at \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, A. D. 18 \_\_\_\_\_

A. B., J. P., }  
C. D., J. P., } In and for the said County.

### FORM D.

*Referred to in the Twenty-fourth Section of this Act.*

This Register contains \_\_\_\_\_ pages exclusive of index, and is to be used in and for the City (Town, incorporated Village or Township,) of \_\_\_\_\_, in the County of \_\_\_\_\_, for the enregistration of memorials, duplicates and other instruments under the provisions of the Act respecting Registrars, Registry Offices, and the Registration of Instruments relating to lands in Ontario, and is provided in pursuance of the requirements of the said statute.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 18 \_\_\_\_\_

A. B., Judge of the County Court of \_\_\_\_\_ or,  
A. B., Warden of the County of \_\_\_\_\_

### FORM E.

*Referred to in sub-section four of the thirty-eighth section of this Act.*

County of \_\_\_\_\_ } I \_\_\_\_\_, of \_\_\_\_\_  
To Wit. } the \_\_\_\_\_ of \_\_\_\_\_, in the \_\_\_\_\_  
\_\_\_\_\_ County of \_\_\_\_\_ make oath  
and say :

1st. That I was personally present and did see the annexed (or *within*) (and duplicate, if any, according to the fact,) duly signed, sealed and executed by \_\_\_\_\_ and the parties thereto.

2d. That the said \_\_\_\_\_ (and duplicate, if any, according to the fact,) were executed at the \_\_\_\_\_ of \_\_\_\_\_

3d. That I know the said parties (or one or more of them, according to the fact.)

4th.





Court of \_\_\_\_\_ on its equity side, *as the case may*  
*be*) between A. B. \_\_\_\_\_ of \_\_\_\_\_ and C. D. of \_\_\_\_\_  
 some title or interest is called in question in the  
 following lands (*stating them*).

Dated at (*stating date and place*).

### FORM J.

*Referred to in the sixtieth section of this Act.*

To the Registrar of the County of \_\_\_\_\_  
 I \_\_\_\_\_, of \_\_\_\_\_, do certify that \_\_\_\_\_ hath  
 satisfied all money due on, or to grow due on, (*or* hath satisfied the sum  
 of \$ \_\_\_\_\_ mentioned in) a certain mortgage made by \_\_\_\_\_  
 of \_\_\_\_\_, to \_\_\_\_\_ which mortgage bears  
 date the \_\_\_\_\_ day of \_\_\_\_\_ A.D. 18 \_\_\_\_\_, and was registered  
 in the Registry Office for the County of \_\_\_\_\_, on \_\_\_\_\_ day  
 of \_\_\_\_\_, A.D. 18 \_\_\_\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ o'clock  
 noon, in Liber \_\_\_\_\_ for \_\_\_\_\_ as No. \_\_\_\_\_ (*here*  
*mention the day and date of registration of each assignment thereof, and*  
*the names of the parties,—or mention that such mortgage has not been*  
*assigned, as the fact may be*) and that I am the person entitled by law  
 to receive the money, and that such mortgage, (*or* such sum of money  
 as aforesaid, *or* such part of the lands as is herein particularly described,  
 that is to say: \_\_\_\_\_) is therefore discharged.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 13 \_\_\_\_\_

A. B.

*One Witness.*

} *Stating Residence and occupation.*

### FORM K.

*Referred to in the seventy-fifth section of this Act.*

This plan is correct and is prepared under the provisions of the  
 "Registration of Titles (Ontario) Act."

*Signature of Surveyor.*

# SCHEDULE L.

*Referred to in the thirtieth Section of this Act.*

Township of Yarmouth, Lot No. , in the 1st Concession.

	2	3	4	5	6	7	8	9
No. of Instru- ment.	Instru- ment.	Its Date.	Date of Registry.	Grantor.	Grantee.	Quantity of Land.	Consideration or amount of Mortgage.	Remarks.
	Patent.	21st February, 1820.	.....	Crown.....	John Jones....	All of said Lot		
54 ....	B. & S	10th January, 1835.	11th January, 1835	David Brown and wife.	George Smith . N. 1.	N. 1.		
72 ...	B. & S.	30th May, 1830.....	15th May, 1838...	John Jones and wife..	David Brown.. N. 1.	N. 1.		
363 .....	B. & S.	23rd June, 1840.....	23rd June, 1840...	George Smith.....	Charles Gates. N. 1.	N. 1.		
461 .....	M.	Do. do. ...	Do. do. ...	Charles Gates and wife.	George Smith . N. 1.	N. 1.	Con. \$500.	
490 .....	B. & S.	20th October, 1841...	20th October, 1841	John Jones and wife.	Charles Gates... S. 1.	S. 1.		
1069 .....	D. M.	23rd June, 1842.....	1st July, 1842...	George Smith.....	Charles Gates... N. 1.	N. 1.		
2569 .....	B. & S.	25th April, 1855.	1st May, 1856.....	Charles Gates and wife.	Alexander Eric. All.			
2875 .....	B. & S.	1st May, 1860 .....	1st May, 1860...	Alexander Eric.....	John McIntosh. E. 1/2 of the N. 1/2 or N. E. 1/4.			

## SCHEDULE M.

*Alphabetical Index referred to in Section thirty-one of this Act.*

No. of Memorial.	GRANTOR.	GRANTEE.	No. of Memorial.	GRANTEE.	GRANTOR.
	A.			A.	
1011.....	Abbott, George.....	Black, John.....	1029.....	Appleton, James.....	Buck, Peter
1015.....	Allen, William.....	Cook, Edward.....	1039.....	Angus, Robert.....	Cooms, Joseph.
1017.....	Anderson, James.....	Smith, Thomas.....	1056.....	Anson, William.....	Whalks, Jane.
	B.			B.	
1004.....	Bernard, John.....	Green, Edward.....	1011.....	Black, John.....	Abbott, George.
1022.....	Burns, Robert.....	Cassels, George.....	1070.....	Benson, Jessie.....	Crooks, Nelson.
1029.....	Buck, Peter.....	Appleton, James.....	1098.....	Burrows, Joseph.....	Hinds, Henry
	C.			C.	
1039.....	Cooms, Joseph.....	Angus, Robert.....	1015.....	Cook, Edward.....	Allen, William.
1048.....	Coffee, Richard.....	Ingram, Benjamin.....	1020.....	Cassels, George.....	Burns, Robert.
1070.....	Crook, Nelson.....	Benson, Jessie.....	1118.....	Castor, Simeon.....	Philip, Richard.



## CAP. XXI.

An Act to Provide for the Inspection of Asylums, Hospitals, Common Gaols and Reformatories in this Province.

[Assented to 4th March, 1868.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Appointment  
of Inspector.

1. The Lieutenant-Governor may appoint some fit and proper person to be Inspector of all public asylums, hospitals, common gaols and reformatories in this province, other than the Provincial Penitentiary, who shall hold office during pleasure.

Inspector's  
duties.

2. It shall be the duty of the said Inspector to visit and inspect every Gaol, House of Correction, Reformatory and Prison or place kept or used for the confinement of persons, in any part of this province, other than the Provincial Penitentiary, at least twice in each year, and he may examine any person holding any office or receiving any salary or emolument in any such place of confinement, as aforesaid, and call for and inspect all books and papers relating to such place of confinement, and may inquire into all matters concerning the said place of confinement; and shall make a separate and distinct report in writing to the Lieutenant-Governor of the state of every such place of confinement visited by him.

Report to  
Lieut.-Governor.

Power to re-  
scind existing  
regulations.

Frame others.

3. The said Inspector shall have power from time to time, subject to the approval of the Lieutenant-Governor in Council, to alter, amend, cancel or rescind any existing rules or regulations for the government of the common gaols of this province, and to frame and adopt other rules and regulations in that behalf, touching or extending to—

1. The maintenance of the prisoners in regard to diet, clothing, bedding and other necessities;

2. Their employment;

3. Medical attendance;

4. Religious instruction;

5. The conduct of the prisoners, and the restraint and punishment to which they may be subjected;

6. Also to the treatment and custody of the prisoners generally,

rally, the whole internal economy and management of the gaol, and all such matters connected therewith, as may be considered by him expedient, which rules and regulations shall be submitted to the Lieutenant-Governor for his approval and confirmation; but nothing herein contained shall be held to prevent the County Councils in this province from making such special regulations as the peculiar circumstances of their respective gaols and localities may, in their opinion, require, such special regulations not being inconsistent with this Act, or with the general rules and regulations, to be made by the Inspector and approved by the Lieutenant-Governor, as aforesaid.

Regulations  
to be submitted  
to Lieut.-  
Governor.  
Special Regu-  
lations by  
County Coun-  
cils.

2. From the time this Act takes effect, every gaol erected in this Province shall be constructed and built according to a plan to be approved of by the Inspector, and sanctioned by the Lieutenant-Governor, and no gaol built after this Act takes effect, in any county in Ontario, otherwise than according to a plan approved and sanctioned, as aforesaid, or that does not, after its completion, receive the approval of the Inspector, shall be deemed to be in law the gaol of such county.

Construction  
of Gaols.

3. The Inspector, before deciding in any case upon the plan of a gaol most proper to be adopted, shall take into considera-  
tion—

Gaol Plans,  
consideration  
of.

1. The nature and extent of the ground upon which such gaol has been, or is, to be built.

Particulars.

2. Its relative situation to any streets and buildings, and to any river or other water.

3. Its comparative elevation and capability of being drained.

4. The material of which it has been or is to be composed.

5. The necessity of guarding against cold and dampness, and of providing properly for ventilation.

6. The proper classification of prisoners, having respect to their age, sex and cause of their confinement.

7. The best means of ensuring their safe custody without the necessity of resorting to severe treatment.

8. The due accommodation of the keeper of the gaol, so that he may have ready access to the prisoners and conveniently oversee them.

9. The exclusion of any intercourse with persons without the walls of the building.

10. The prevention of nuisances, from whatever cause.

11.

11. The combining provision, as well for the reformation of convicts, as far as may be practicable, as for their employment, in order that the common gaols may really serve for places of correction.

12. The admission of prisoners to air and exercise without the walls of the building, and

13. The enclosure of the yard and premises with a secure wall.

Examination  
of Lunatic  
Asylums.

Reports by  
Medical Sup-  
erintendents  
and Bursars.

6. With respect to the Provincial Lunatic Asylum, at Toronto, and the Branch Asylums at Orillia and Malden, the said Inspector shall, at least three times a year thoroughly examine the manner in which the said institutions are conducted, respectively, and examine the reports respectively made to him by the Medical Superintendents and Bursars.

By-laws.

7. The Inspector shall frame such by-laws as may seem to him most conducive to the peace, welfare and good government of the said asylums, which said by-laws shall have effect when the Lieutenant-Governor has signified his assent thereto.

Copy of pro-  
ceedings sent to  
Lieut.-Gov.

8. The said Inspector shall keep an exact record of his proceedings, and transmit a copy thereof to the Lieutenant-Governor, under the hand of the said Inspector.

Inspector's  
Annual Report.

9. The said Inspector shall, with his annual report to the Lieutenant-Governor, transmit the reports made to him by the Medical Superintendents and Bursars with his observations thereon.

Hospitals.

10. The Inspector shall, at least twice a year, and oftener, if ordered by the Lieutenant-Governor, visit, examine and report upon the state and management of every hospital or other benevolent institution supported wholly by grant of public money, or by money levied under the authority of law.

Report of the  
management,  
&c.

11. The Inspector, whenever required by the Lieutenant-Governor so to do, shall visit, examine, and report to him upon the state, management and condition of every hospital or other benevolent institution, supported, in part, by grant of public money, and, in case of refusal of admission into the same for the purpose of inspection, shall forthwith report such refusal to the Lieutenant-Governor, with the circumstances attending the same.

Report on  
Private Luna-  
tic Asylums.

12. The Inspector, whenever required to do so by the Lieutenant-Governor, and at least once in the year, shall visit, examine and report to him upon the state and management of every private lunatic asylum established under the provision of any Act in force respecting private lunatic asylums, and upon the

Condition of  
the inmates.



the condition of its inmates, and the Lieutenant-Governor, after the receipt of any such report of the Inspector, may, by any instrument under his hand and seal, suspend or revoke the license granted under any such Act.

Revocation of  
License.

**13.** The said Inspector shall have, and perform the same powers and duties with respect to any other lunatic asylum or asylums, or of any asylum for idiots, or for the deaf, dumb or blind that may have been, or may be, erected at the public expense, as are vested in him by this Act with respect to the said Lunatic Asylum at Toronto.

Asylum for  
Idiots, Deaf,  
Dumb, and  
Blind.

**14.** The Inspector shall make an annual report to the Lieutenant-Governor on or before the first day of October in each year, which report shall contain a full and accurate report on the state, condition and management of the several asylums, hospitals, gaols and other institutions under his inspection, and inspected by him during the preceding year, together with such suggestions for the improvement of the same as he may deem necessary and expedient, and which report, as far as respects the reformatories under his inspection, shall comprise and embrace the following particulars, viz.:

General An-  
nual Report.

Suggestions  
for improve-  
ment.

1. A copy of the Warden's Report to the Inspector.
2. Copies of the Chaplain's Report to the Inspector.
3. Copy of the Physician's Annual Report.

Particulars.

4. A Return of the names, ages, country, calling, and crimes of the offenders, received into the Reformatory during the year, and the Township, County, Town, and City from which each came.

5. A Return of the names, ages, callings, and crimes of the offenders who died in the Reformatory during the year, and the Township, County, Town, and City from which each came.

6. A similar Return of the offenders liberated during the year, by the expiration of the term for which they were sentenced.

7. A similar Return of the offenders who had the Royal pardon extended to them during the year.

8. A tabular Statement showing the number of prisoners in the Reformatory at the date to which the last previous Annual Report was made up, the number received during the year, the number discharged, the number then in confinement, and the average number in the Reformatory during the year, showing the particulars separately as to the male and female prisoners.

9. A balance sheet of the affairs of the Institution, at the first day of October, of the year reported upon, showing the amount of cash received from the public Exchequer, since the commencement of the Institution and the existing assets thereof.

10. A cash balance for the past year showing the sum on hand on the first day of October, the cash received through the year, from Government towards the support and expenses of the prison, the amount received for Convict labour, and the amounts received on all other accounts during the year; the said balance sheet shall also show separately, the sums paid for food, bedding, clothing, and Hospital Stores for the offenders, the salaries of the officers, fuel and light, for the erection of new buildings and repairs, for the support of the stable, and for all other items of expenditure, also the Cash on hand at the close of the year.

11. A statement of all debts due by the Institution, showing the names of the parties to whom each sum is due, also showing the debts, if any, due to the Institution, with the amounts and ground of each debt.

12. An inventory and valuation of all the property, estate, and effects of the Institution distinguishing the estimated value of the several descriptions of property.

13. An estimate of the receipts and expenditures for the current year, and of the amount of aid likely to be required from the Provincial Exchequer.

14. A statement showing in what manner the offenders were employed as at the first day of October, of the year reported on, and the average number at each trade or occupation during the year.

Gaol repairs.

15. In case the Inspector shall at any time find that the Common Gaol in any County or City in this Province is out of repair, or is, or has become unsafe or unfit for the confinement of prisoners, was not constructed or maintained in conformity with the provisions of section five of this Act, and the subsections thereof, or that the same does not afford sufficient space or room for the number of prisoners usually confined therein, he shall forthwith report the fact to the Lieutenant-Governor, and shall at the same time furnish a copy of such Report to the Council of the County or City to which such Common Gaol may belong, and such Council shall thereupon appoint a special Committee to confer with the said Inspector, and to arrange with him as to the repairs, alterations or additions that may be deemed necessary to remedy the defect so reported upon by the Inspector and to report the same to the said Council, and in case the Inspector and the said Committee do not

agree

Report to the  
Lieut.-Go-  
vernor.

Copy furnished  
to the County  
Council.

agree upon the said repairs, alterations or additions, the matter shall then be referred to the Lieutenant-Governor in Council to decide between them, which decision shall be reported to the said Council; and it shall be the duty of the said Council in either case, by By-Law, to order and provide for the making of the said repairs, alterations, or additions, and for the appropriation of any money that may be required for that purpose, and in default thereof the said Council may be proceeded against by Mandamus, issued out of either of the Superior Courts of Common Law at Toronto, at the instance and prosecution either of the Attorney General or any private prosecutor to compel the making by the said Council of such repairs, alterations or additions, and the said Council and the members and officers thereof, shall be subject to all the process of the said Courts for contempt of the orders or process thereof.

By-law  
repairs.

In default of  
repairs—pro-  
ceeding by  
Mandamus.

**16.** The Inspector and the said Special Committee of the said County or City Council shall, in arranging the particulars of the necessary repairs, alterations or additions, as aforesaid, have due regard to the plan of the gaol, and to the ability of the Council to meet the expense thereof, and in the case of alterations or additions, shall make the same as few and inexpensive as, in their opinion, the requirements of the Act, and of the public service will admit.

Repairs to be  
made with due  
regard to the  
ability of the  
Council to  
meet the ex-  
pense.

**17.** All actions, suits and prosecutions against any person or persons for anything done in pursuance of this Act, shall be laid and tried in the county where the fault was committed, and shall be commenced within six months after the fault committed, and not otherwise or afterwards.

Action for any-  
thing done un-  
der this Act.

**18.** From and after the appointment of the Inspector under this Act, the Medical Superintendent and Bursar of the Provincial Lunatic Asylum, and of the Orillia and Malden Asylums, and of the Reformatory at Penetanguishene, shall make to the said Inspector the annual report heretofore required to be made by them to the Board of Inspectors appointed under the Consolidated Statutes of the late Province of Canada, chapter one hundred and ten.

Medical Super-  
intendent and  
Bursar to make  
their report to  
the Inspector.

**19.** All enactments and provisions of law inconsistent with or repugnant to this Act are hereby repealed.

Inconsistent en-  
actments re-  
pealed.

**20.** In the construction of this Act the word "county" shall be held to mean "county or union of counties."

Meaning of  
"county."

**21.** The salary of the said Inspector shall be two thousand dollars per annum, inclusive of travelling expenses, and shall be charged upon and payable out of the Consolidated Revenue Fund for the Province of Ontario.

Inspector's  
salary.

**22.** This Act may be cited, in pleading or otherwise, as "The Prison and Asylum Inspection Act, 1868."

Title of the Act.



## CAP. XXII.

## An Act Respecting Proceedings in Judge's Chambers at Common Law.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS, it is expedient to make provision for proceedings in Judge's Chambers in the Superior Courts of Common Law : Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Who may act as Judge in Chambers in Toronto.

**1.** Any person acting as Judge of Assize and Nisi Prius in the City of Toronto, whether for the business of the County of York or for the City of Toronto, shall, while so sitting or acting as such Judge, or while the sittings shall last, be enabled to act as a Judge in Chambers in all matters as if he were a Judge of one of the Superior Courts of Common Law.

Who may act in any County.

**2.** Any person acting as a Judge of Assize and Nisi Prius, shall, in and for the County for which he is acting, and while the sittings of the said Court shall last, be enabled to act as a Judge in Chambers in all matters entered for trial before him, as if he were a Judge of one of the said Superior Courts.

Certain persons may be appointed to transact Chamber business.

**3.** In case at any time the two Chief Justices of the said Superior Courts, or in the absence of one of them, the other Chief Justice and one of the Puisne Judges of either of the said Courts, or in the absence of both Chief Justices, then in case two Puisne Judges of the said Courts shall consider it convenient for the dispatch of Chamber business, to appoint a person for any particular time to act as Judge in the transaction of Chamber business, they may, by writing under their hands, appoint either of the Clerks of the Crown and Pleas of the said Superior Courts, or a Barrister of at least five years' standing, to act as Judge for the time to be named in such writing, but such time shall not, on any one occasion, exceed the period of one week, and the said time may be renewed from time to time, as often as there may be occasion therefor.

Continuation Act.

**4.** This Act shall continue in force for one year from the passing thereof, and no longer.

## CAP. XXIII.

An Act to amend the Act Chapter 35 of the Consolidated Statutes of Upper Canada, entitled "An Act respecting Attorneys-at-Law."

[Assented to 4th March, 1868.]

**W**HEREAS it is expedient to amend the Act chaptered thirty-five of the Consolidated Statutes of Upper Canada by making provision for additional examinations in certain cases of persons desiring to be admitted as Attorneys and Solicitors; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.  
Con. Stat U.C.  
c. 35.

1. Notwithstanding anything in the said Act contained, no persons being of either of the classes of persons mentioned in Sub-sections one and two of Section two of the said Act shall be admitted or enrolled as an Attorney or Solicitor, unless he has at some time during the year next but two before the time of his final examination, and at some time not less than one year thereafter and during the year next but one before the time of his final examination, passed examinations to the satisfaction of the Law Society.

Persons mentioned in sub-sections 1 and 2 of sec. 2 of said Act to pass two examinations.

2. The examinations by this Act required shall be held under the direction of the Benchers of the Law Society, and the said Benchers and Society shall in respect thereof have the same powers, and, so far as may be, follow the same directions as are by the said Act given to them respectively in reference to the examinations by the said Act required.

To be held under the direction of the Benchers of the Law Society.

3. The first of the two examinations by this Act required shall not be requisite in the case of any person now under articles whose term of service is at the date of the passing of this Act within four years of its expiration.

First examination, when not requisite.

4. The second of the two examinations by this Act required, shall not be requisite in the case of any person whose term of service is at the date of the passing of this Act within two years and six months of its expiration.

Second examination, when not requisite.

5. The preceding sections of this Act shall not apply to any person whose term of service is at the date of the passing of this Act expired.

Preceding sections not retrospective.

6. In case any person is prevented by illness or other unavoidable cause, from presenting himself for, or fails to pass either of the examinations by this Act required, within the time specified, the said Benchers may, in their discretion, permit

Provision in case of illness or inability from unavoidable causes

mit such person to pass such examination at other times; Provided that not less than nine months shall elapse between the first and the second of such examinations, and not less than nine months shall elapse between the second of such examinations and the final examination.

23 Vic., c. 21,  
s. 2, amended.

7. The second section of the Act passed in the twenty-eighth year of Her Majesty's reign, chaptered twenty-one, and intituled "An Act to amend the Act respecting Attorneys," is hereby amended by adding thereto the words, "or who, on the eighteenth day of March, one thousand eight hundred and sixty five, were entered on the books of the Law Society of Upper Canada as Students at Law."

28 Vic., c. 21,  
s. 7, amended.

8. The seventh section of the said recited Act is hereby amended by adding thereto the words, "and although the applicant for admission was not, at the time of such service, actually bound by contract in writing, by reason of unintentional omission, and which contract was subsequently executed; Provided, nevertheless, that such service was *bona fide* for three or five years, as the case may be, and commenced on or before the first day of July, one thousand eight hundred and fifty eight"

Title.

9. This Act may be cited for all purposes as "The Attorneys Act, 1868."

## CAP. XXIV.

### An Act to Amend the Common Law Procedure Act.

*Assented to 4th March, 1868.*

Preamble.

WHEREAS, it is desirable to amend the Common Law Procedure Act; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Sec. 324, Com.  
Law Procedure  
Act repealed.

1. The three hundred and twenty-fourth section of the Common Law Procedure Act is hereby repealed, and the following section shall be substituted for and stand in lieu thereof:

In trespass or  
case, plaintiff to  
recover no costs  
if verdict be less  
than \$8, unless  
Judge certifies  
certain facts.

"If the Plaintiff, in any action of trespass or trespass on the case, recovers by the verdict of a Jury, less damages than eight dollars, such plaintiff shall not be entitled to recover, in respect of such verdict, any costs whatever, whether the verdict be given on an issue tried, or judgment has passed by default, unless the Judge or presiding officer, before whom such verdict is obtained, immediately afterwards, or at any future time to which he may postpone the consideration



“consideration of the matter, certifies on the back of the  
 “Record in the form hereinafter prescribed, to entitle the  
 “plaintiff to full costs; and in case such certificate be not  
 “granted, then the defendant in such action shall be entitled  
 “to set off his costs against such verdict and recover Judg-  
 “ment and issue execution against the plaintiff for the balance  
 “of such costs as between attorney and client, unless the  
 “said Judge or presiding officer shall certify as hereinafter  
 “provided upon the Record, in manner aforesaid, that the  
 “defendant is not entitled to recover his costs in the cause  
 “against the plaintiff.”

If Judge do not  
 certify, defend-  
 ant to set off his  
 costs, unless  
 Judge certifies  
 that he is not  
 entitled.

2. The three hundred and twenty-eighth section of the  
 Common Law Procedure Act is hereby repealed, and the  
 following shall stand in the place thereof:

Sec. 328, Com-  
 Law Procedure  
 Act repealed.

1. “In case a suit of the proper competence of a County  
 “Court be brought in either of the Superior Courts of the  
 “Common Law, or in case a suit of the proper competence of  
 “a Division Court be brought in either of such Superior  
 “Courts, or in a County Court, the costs shall be taxed in the  
 “manner following:

In inferior  
 court actions  
 brought in Su-  
 perior courts:

2. “In case the Judge, who presides at the trial of the cause,  
 “certifies in open Court, immediately after the verdict  
 “has been rendered, or at any future time to which he may  
 “then postpone the consideration of granting or refusing  
 “the certificate, that it is a fit cause to be withdrawn from the  
 “County Court or Division Court, as the case may be, and  
 “brought in the Superior Court or a County Court, as the  
 “case may be, the plaintiff shall recover his costs of suit  
 “according to the practice of the Court in which the action  
 “is brought, in like manner and subject to the like deduction  
 “or set off for costs of issues upon which the defendant may  
 “have succeeded, as he would have done and would have  
 “been subject to in case his suit had been of the proper com-  
 “petence of the Court in which the action is brought.

If Judge certi-  
 fies certain facts  
 plaintiff to re-  
 cover full costs.

“3. In case the Judge, who presides at the trial of the cause  
 “certifies at the time aforesaid that the plaintiff had reasonable  
 “ground for believing he had the right of withdrawing his cause  
 “from the County Court, or Division Court, as the case may  
 “be, and bringing it in the Superior Court, or a County Court,  
 “as the case may be, and that the defendant, without just  
 “reason, defended the same, the plaintiff shall recover his costs  
 “of suit according to the practice of the Court in which the action  
 “should have been brought in like manner, and subject to the  
 “like deduction or set-off for costs of issues upon which the  
 “defendant may have succeeded, as he would have done, and  
 “would have been subject to in case he had brought his action in  
 “such inferior court.

If Judge certi-  
 fies certain  
 facts, plaintiff  
 to recover costs  
 of Court in  
 which action  
 should have  
 been brought.

If Judge do not certify, plaintiff to recover inferior court costs only, and defendant entitled to set off his costs.

"4. In case the Judge, who presides at the trial, shall not certify as aforesaid, the plaintiff shall recover only County Court costs, or Division Court costs, as the case may be, and the defendant shall be entitled to tax his costs of suit as between attorney and client, and so much thereof as exceeds the taxable costs of defence which would have been incurred in the County Court or Division Court, shall, on entering judgment, be set off and allowed by the taxing officer against the plaintiff's County Court or Division Court costs to be taxed, or against the costs to be taxed, and the amount of the verdict if it be necessary, and if the amount of the costs so set off exceeds the amount of the plaintiff's verdict and taxed costs, the defendant shall be entitled to execution for the excess against the plaintiff."

Form of certificates.

3. The certificates may be as follows:

"I certify to entitle the plaintiff to full costs."

"Or,

"I certify to prevent the defendant deducting costs."

"Or,

"I certify to entitle the plaintiff to County or Division Court costs."

Sec. 271, Com. Law Procedure Act repealed.

4. The two hundred and seventy-first section of the said Common Law Procedure Act is repealed, and the following shall be substituted therefor:

In what cases Sheriffs entitled to poundage.

"1. In case a part only be made by the Sheriff on, or by force of any execution against goods and chattels, the Sheriff shall be entitled, besides his fees and expenses of execution, to poundage only upon the amount so made by him whatever be the sum endorsed upon the Writ, and in case the personal estate, except chattels real, of the defendant or defendants be seized or advertized on, or under an execution, but not sold by reason of satisfaction having been otherwise obtained, or from some other cause, and no money be actually made by the Sheriff on, or by force of such execution, the Sheriff shall be entitled to the fees and expenses of execution and poundage only on the value of the property seized not exceeding the amount endorsed on the Writ or such less sum as a Judge of the Court out of which the Writ issued may deem reasonable under the circumstances of the case; Provided, also, in cases of Writs of execution upon the same judgment to several Counties wherein the personal estate of the judgment debtor or debtors, has been seized or advertized, but not sold by reason of satisfaction

"having

When Sheriff entitled to mileage and fees only.

“having been obtained under or by virtue of a Writ in some  
 “other County, and no money has been actually made on  
 “such execution, the Sheriff shall not be entitled to pound-  
 “age, but to mileage and fees only for the services actually  
 “rendered and performed by him, and the court out of which  
 “the Writ issued or any Judge thereof, may allow him a  
 “reasonable charge for such services, in case no special fee  
 “therefor be assigned on any table of costs.

2. “In case any person liable on any execution shall be  
 “dissatisfied as to the amount of poundage fees and expenses  
 “of execution that any Sheriff may claim under the tariff of  
 “fees and allowances now in force, or under this Act, he  
 “may before or after payment thereof, apply to the Court out  
 “of which such Writ issued, or to any Judge thereof, and  
 “if, upon a statement of the whole facts, the said Court or  
 “Judge, after notice to the Sheriff, is of opinion that such  
 “amount is unreasonable, notwithstanding it may be accord-  
 “ing to the tariff, or this Act, the same shall be reduced or  
 “ordered to be refunded upon such terms as to costs or other  
 “wise, as the Court or Judge may think fit to impose.”

If party dis-  
 satisfied, he  
 may apply to  
 the Court, who  
 may reduce the  
 amount.

## CAP. XXV.

### An Act as to Executions against Goods and Lands.

[Assented to 4th March, 1868.]

**W**HEREAS, by an Act passed in the session of Parlia-  
 ment held in the twenty-ninth and thirtieth years of  
 Her Majesty's reign, chapter forty-two, intituled “An Act  
 to Amend the Common Law Procedure Act of Upper  
 Canada,” the principle is recognized of allowing persons who  
 have priority executions in regard to goods, to retain the  
 same in regard to lands; but difficulties exist in applying  
 the said Act by reason of its enactment that the Sheriff shall  
 return writs against goods only, in the order of priority in  
 which they come to his hands, whilst, nevertheless, a person  
 having a first execution against goods is entitled to  
 renew the same indefinitely without any return thereof:  
 Therefore, Her Majesty, by and with the advice and con-  
 sent of the Legislative Assembly of Ontario, enacts as  
 follows :

Preamble.

29 & 30 V., c.  
 42.



29 & 30 V. c.  
42, s. 5, 6, and  
C. L. P. Act,  
252 repealed.

1. Sections five and six of the said Act, and the two hundred and fifty-second section of the Common Law Procedure Act, are hereby repealed and the following substituted therefor:

Writs against  
lands may issue  
at same time as  
writs against  
goods

“Any person who now is or hereafter may become entitled to issue a writ of execution against goods and chattels may, at or after the time of issuing the same, issue a writ of execution against the lands and tenements of the person liable, and deliver the same to the Sheriff to whom the writ against goods is directed, at or after the time of delivery to him of the writ against goods, and either before or after any return thereof; Provided, always, that the Sheriff shall not expose the lands for sale, or sell within less than twelve months from the day on which the writ against the lands is delivered to him.”

Proviso—  
Lands not to be  
sold within a  
year.

No sale of lands  
until return of  
*nulla bona*.

2. No sale shall be had under any execution against lands until after a return of *nulla bona*, in whole or in part, with respect to an execution against goods in the same suit or matter by the same Sheriff.

When *nulla  
bona* not to be  
returned.

3. No Sheriff shall make any return of *nulla bona*, either in whole or in part, to any writ against goods until the whole of the goods of the execution debtor in his county have been exhausted.

If the debt is  
realized under  
writ against  
goods.

4. If the amount authorized to be made and levied under the writ against goods be made and levied thereunder, the person issuing the writ against lands shall not be entitled to the expenses thereof, or of any seizure or advertisement thereunder; and the return to be made by the Sheriff to the writ against lands shall be to the effect that the amount has been so made, and levied, as aforesaid.

Writs to have  
same effect as  
heretofore.

5. The said writs against lands and goods shall have the same operation and binding effect as heretofore, and the law applicable heretofore on executions shall continue applicable, except so far as variance is requisite, by reason of the enactments hereof.

## CAP. XXVI.

## An Act respecting Overholding Tenants.

[Assented to 4th March, 1868.]

**W**HEREAS, it is expedient to provide a less expensive and more expeditious mode of proceeding against tenants or occupants overholding wrongfully, than is provided by law; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. The Act of the late Parliament of Canada, passed in the twenty-seventh and twenty-eighth years of Her Majesty's reign, chapter thirtieth, and intituled "An Act to afford a more expeditious remedy as regards tenants overholding, wrongfully, in Upper Canada," is hereby repealed; Provided, always, that all proceedings had, or taken under the said Act, shall not be affected by the repeal of the said Act, but the same may be carried on and finally determined under the provisions of the said Act, as the same might be if the said Act had not been repealed.

27, 28, V. c. 80,  
repealed.

2. In case a tenant, after his lease or right of occupation whether created by writing or by verbal agreement has expired, or been determined, either by the landlord or the tenant, by a notice to quit or notice pursuant to a proviso in any lease or agreement in that behalf, or has been determined by any other act whereby a tenancy or right of occupancy may be determined or put an end to, wrongfully refuses, upon demand made in writing, to go out of possession of the land demised to him or which he has been permitted to occupy, his landlord or the agent of his landlord, may apply to the County Judge of the county, or union of counties, in which such land lies, in term or in vacation, and wherever such Judge may then be, setting forth, on affidavit, the terms of the demise or right of occupation, if verbal, and annexing a copy of the instrument creating or containing such demise or right of occupation, if in writing; or if a copy cannot be so annexed by reason of the said writing being mislaid, lost or destroyed, or being in the possession of the tenant or from any other cause, then annexing a statement setting forth the terms of the demise or occupation and the reason why a copy of the said writing cannot be annexed, and also annexing a copy of the demand made for the delivering up of possession, and stating also the refusal of the tenant to go out of possession, and the reasons given for such refusal, if any were given, adding such explanation in regard to the ground of such refusal as the truth of the case may

Application to  
be made to the  
County Judge  
against over-  
holding tenants  
upon affidavit.

may require; and this section shall extend, and be construed to apply to tenancies from week to week, from month to month, from year to year, and tenancies at will, as well as to all other terms, tenancies, holdings or occupations.

County Judge  
may appoint  
time and place  
for inquiry.

3. If, upon such affidavit, it appears to such County Judge that the tenant wrongfully holds, without color of right, and that the landlord is entitled to possession, such Judge shall appoint a time and place at which he will enquire and determine whether the person complained of was tenant to the complainant for a term or period which has expired, or has been determined by a notice to quit or otherwise, and whether the tenant without any color of right holds the possession against the right of the landlord, and whether the tenant does wrongfully refuse to go out of possession, having no right to continue in possession, or how otherwise.

Notice thereof  
to be served on  
the tenant.

4. Notice in writing of the time and place so appointed by the County Judge for holding such inquiry, shall be, by the landlord, served upon the tenant or left at his place of abode, at least three days before the day so appointed, if the place so appointed be not more than twenty miles from the tenant's place of abode, and one day in addition for every twenty miles above the first twenty, reckoning any broken number above the first twenty as twenty miles, to which notice shall be annexed a copy of the affidavit on which the appointment was obtained, and of the papers attached thereto.

Proceedings in  
default of ap-  
pearance.

5. If at the time and place appointed, as aforesaid, the tenant, having been duly notified, as above provided, fails to appear, the County Judge, if it appears to him that the tenant holds without color of right, may order a writ to issue to the sheriff, in the Queen's name, commanding him forthwith to place the landlord in possession of the premises in question; but if the tenant appears at such time and place, the County Judge shall, in a summary manner, hear the parties, and examine into the matter, and shall administer an oath or affirmation to the witnesses adduced by either party, and shall examine them; and if after such hearing and examination it appears to the County Judge that the case is clearly one coming under the true intent and meaning of the second section of this Act, and that the tenant holds without color of right against the right of the landlord, then he shall order the issue of such writ, as aforesaid, otherwise he shall dismiss the case; and the proceedings, in any such case, shall form part of the records of the County Court: and the said writ may be in the form or to the effect of forms number one or number two, in Schedule A, forming part of this Act, according as the tenant is ordered to pay costs or otherwise, and on any such examination the parties shall be competent witnesses.

In case of ap-  
pearance.

Proceedings to  
form part of the  
records of the  
Court.



6. Where any such writ has been issued, either of the superior courts of common law for the Province of Ontario, may, on motion, before the end of the second term after the issue of such writ, command such County Judge to send up the proceedings and evidence in the case to such superior court certified under his hand, and may examine into the proceedings, and if they find cause may set aside the same, and may, if necessary, order a writ to issue to the sheriff, commanding him to restore the tenant to his possession, in order that the question of right, if any appear, may be tried, as in other cases of ejectment.

Removable on certiorari.

Writ of restitution.

7. The judges of the superior courts of common law, for the Province of Ontario, may, from time to time, make such orders respecting costs, in cases under this Act, as to them may seem just; and the County Judge, before whom any such case is brought, may, in his discretion, award costs therein, according to any such order then in force, and if no such order is in force, reasonable costs, in his discretion, to the party entitled thereto; and in case the party complaining is ordered to pay costs, execution may issue out of the County Court for such costs as in other cases in the County Court, wherein an order is made for the payment of costs.

Judges of superior courts may make rules.

Costs.

8. The County Judge may cause any person to be summoned as a witness to attend before him in any such case, in like manner as witnesses are summoned in other cases in the County Court, and under like penalties for non-attendance, or refusing to answer, or wilfully swearing, or affirming falsely in such case.

Summoning witnesses.

9. Nothing herein contained shall prevent any landlord from proceeding under the sixty-third, and ten next following sections of the Act respecting ejectment, chapter twenty-seven of the Consolidated Statutes of Upper Canada, if he thinks it advisable to proceed under the said sections, or shall in any way affect the powers of any judge or judges of the superior courts under the same, or under sections fifty-seven, fifty-eight and fifty-nine of the said act, or shall prejudice or affect any other right or right of action or remedy which landlords may possess in any of the cases herein provided for.

Landlord not prevented from proceeding under the Ejectment Act 22 V. c. 27.

10. In the case of tenancies from week to week and from month to month, a week's notice to quit and a month's notice to quit, respectively, ending with the week or the month, as the case may be, shall be deemed sufficient notice to determine, respectively, a weekly or monthly tenancy.

Notice in case of weekly or monthly tenants.

11. The proceedings under this Act shall be entitled in the County Court of the County or union of Counties in which the

Proceedings how entitled.

the premises in question are situate, and shall be styled "In the matter of (giving the name of the party complaining) Landlord against (giving the name of the party complained against) Tenant."

Service of papers.

12. Service of all papers and proceedings under this Act shall be deemed to have been properly served if made as required by law, in respect of writs and other proceedings in actions of ejectment.

Meaning of the words tenant and landlord.

13. In this Act the word "tenant" shall mean and include an occupant, a sub-tenant, under-tenant, and his and their assigns and legal representatives; and the word "landlord" shall mean and include the lessor, owner, the party giving or permitting the occupation of the premises in question and the person entitled to the possession thereof, and his and their heirs and assigns and legal representatives.

Schedule.

14. The following is the Schedule A referred to in this Act:

#### SCHEDULE A.

#### FORM No. 1.

ONTARIO,  
TO WIT: }

Victoria, by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

[L. S.]

To the Sheriff of the

Greeting:

Whereas,

Judge of the County Court  
of by his order dated the  
day of A. D. 186 made in pursuance of the  
"Act respecting Overholding Tenants," on the complaint  
of against  
adjudged that was entitled to the possession of

with the appurtenances in your Bailiwick, and that a Writ should

should issue out of our said Court accordingly, and also ordered and directed that the said should pay the costs of the proceedings had under the said Act, which by our said Court have been taxed at the sum of

Therefore, we command you, that without delay you cause the said to have possession of the said land and premises, with the appurtenances: And we also command you that of the goods and chattels of the said in your Bailiwick, you cause to be made

being the said costs so taxed by our said Court as aforesaid, and have that money in our said Court immediately after the execution hereof, to be rendered to the said

and in what manner you shall have executed this Writ make appear to our said Court, immediately after the execution hereof, and have there then this Writ.

Witness,

Judge of our said Court at this  
day of A. D. 186

Clerk.

FORM No. 2.

ONTARIO,  
To WIT: {

Victoria, by the Grace of God of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.

[L. S.]

To the Sheriff of the

Greeting.

Whereas

Judge of the County

Court of the

day of by his order dated  
A. D., 186 made in pursuance  
of

Issued from the Office of the Clerk of  
the County Court of the County of  
United Counties of  
Clerk



of the "Act respecting Overholding Tenants," on the complaint  
of \_\_\_\_\_ against \_\_\_\_\_  
adjudged that \_\_\_\_\_ was entitled to the possession of \_\_\_\_\_

Issued from the office of the Clerk of the County Court of the County of \_\_\_\_\_ or United Counties of \_\_\_\_\_  
Clerk.

And ordered that a writ should issue out of our said Court accordingly: *Therefore, we command you* that without delay you cause the said \_\_\_\_\_ to have possession of the said land and premises with the appurtenances, and in what manner you shall have executed this Writ make appear to our said Court, immediately after the execution hereof and have there then this Writ.

Witness \_\_\_\_\_

Court at \_\_\_\_\_  
of \_\_\_\_\_

A. D., 186 \_\_\_\_\_

this \_\_\_\_\_

Judge of our said \_\_\_\_\_  
day \_\_\_\_\_

Clerk.

## CAP. XXVII.

An Act to amend the Law relating to purchases of Reversions.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS it is expedient to amend the Law as administered in Courts of Equity with respect to purchases of Reversions: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Purchase—  
what it shall  
mean.

**1.** In construing this Act, the word "purchase" shall mean any kind of contract, conveyance or assignment, under or by which any kind of property may be acquired.

**2.**

2. In case any purchase made before the passing of this Act of any reversionary interest in Real or Personal Estate shall hereafter be sought to be opened or set aside on the ground of undervalue, the onus of proving undervalue shall lie upon the plaintiff. Onus probandi of undervalue to lie on plaintiff.

3. No purchase made after the passing of this Act *bona fide*, and without fraud, of any reversionary interest in Real or Personal Estate, shall be opened or set aside on the ground of undervalue. Purchases hereafter not affected by undervalue.

4. This Act may be cited for all purposes as "The purchases of Reversions Act, (1868)." Title of the Act

## CAP. XXVIII.

An Act for amending the law of Auctions of Estates.

[Assented to 4th March, 1868.]

**W**HEREAS there is a conflict between the courts of Law and Equity in respect to the validity of sales by auction where a puffer has bid, although no right of bidding on behalf of the seller was reserved, and it is expedient that an end should be put to such conflict : And, whereas, as sales by auction are now conducted, many of such sales are illegal and could not be enforced against an unwilling purchaser, and it is expedient for the safety of both seller and purchaser that such sales should be so conducted as to be binding on both parties; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows : Preamble.

1. In construing this Act, "auctioneer," shall mean any person selling by public auction; "Land," shall mean any interest in any messuages, lands, tenements, or hereditaments of whatever tenure; "Puffer," shall mean a person appointed to bid on the part of the seller. Construction of particular words.

2. Unless in the particulars or conditions of sale by auction of any land, it is stated that such land will be sold subject to a reserved price, or to a right of the seller to bid, the sale shall be deemed and taken to be without reserve. When sale shall be deemed without reserve

3. Upon any sale of land by auction, without reserve, it shall not be lawful for the seller or for a puffer to bid at such sale, or for the auctioneer to take, knowingly, any bidding from the seller or from a puffer. Seller not to bid at reserved sales.

4.

At reserved  
sale, the seller  
may bid.

4. Upon any sale of land by auction, subject to a right for the seller to bid, it shall be lawful for the seller, or any one purchaser to bid at such auction, in such manner as the seller may think proper.

Seller not au-  
thorized to  
purchase.

5. Nothing in this Act contained shall be taken to authorize any seller to become the purchaser at the sale.

Act not retro-  
spective.

6. This Act shall not apply to any sale which has taken place before its passage

Title.

7. This Act may be cited for all purposes as "The Auctions of Estates Act, 1868."

## CAP. XXIX.

An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures.

[Assented to 4th March, 1868.]

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Bureau and  
Societies con-  
tinued.

1. The Bureau of Agriculture, the Agricultural Association, the Board of Agriculture as Council of the Association, and all Agricultural Societies heretofore recognised and existing in that part of the late Province of Canada called Upper Canada, shall continue, except so far as they may be altered or affected by this Act.

### BUREAU OF AGRICULTURE AND ARTS.

The Commis-  
sioner of Ag-  
riculture to  
direct Bureau.

2. The Bureau of Agriculture and Arts shall be attached to the Department of the Commissioner of Agriculture and Public Works, who shall be charged with the direction of the said Bureau, and shall in respect thereof be known as the Commissioner of Agriculture and Arts.

Commissioner  
of Agriculture  
*ex-officio*  
member.

3. The said Commissioner of Agriculture shall be *ex officio* a member of the Council of the Agricultural Association in the Province of Ontario.

To collect and  
disseminate  
facts relating  
to Agriculture,  
&c.

4. It shall be part of the duty of the said Commissioner of Agriculture to institute inquiries and collect useful facts and statistics relating to the Agricultural, Mechanical and Manufacturing



facturing interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province, and to encourage immigration from other countries; and he shall submit to Parliament, within ten days after the opening of each Session thereof, a detailed and succinct Report of his proceedings.

Annual Report.

5. The said Commissioner shall, in connection with his Bureau, cause to be established a Museum illustrative of Agriculture, Horticulture, and Arts and Manufactures, and also a Library of books in the same departments of industry; and the said Museum and Library shall be free for examination or reference, during the usual office hours.

Museum and Library.

6. The Agricultural Association, all Agricultural Societies, Municipal Councils, Mechanics' Institutes, Public Institutions and Public Officers in this Province, shall promptly answer official communications from the said Bureau of Agriculture, and shall make diligent efforts to supply correct information on all questions submitted to them respectively; and any officer of any such Association, Society, Council, Institute or other Public Institution, refusing or wilfully neglecting to answer any question, or to furnish any information relating to the Agricultural, Mechanical or Manufacturing interests, or the Statistics of this Province, whenever required so to do, either by the said Commissioner, or by any person duly authorized by him in that behalf, shall, for every such offence, incur a penalty of Forty Dollars, which shall be recoverable by any person suing for the same before any court of competent jurisdiction, and shall be paid to Her Majesty.

Agricultural Association to answer all questions and communications.

Penalty for refusing.

7. The Commissioner of Agriculture may at any time, and from time to time, appoint any person or persons to inspect the books and accounts of any Society in the Province receiving Government aid, and being in any way in connection with the Bureau of Agriculture; and all officers of any such society, whenever required so to do, shall submit such books and accounts to such inspection, and truly, to the best of their knowledge, answer all questions put to them in relation thereto, or to the funds of such society.

Commissioner may appoint persons to inspect accounts of Agricultural Societies, &c.

#### THE AGRICULTURAL AND ARTS ASSOCIATION.

8. The Council of the Association, the Presidents and Vice-Presidents of all lawfully organized County Agricultural Societies, and of all Horticultural Societies, and of the Mechanics' Institutes, and all subscribers of one dollar annually, shall constitute the Agricultural Association.

Who shall be members of Association.

1. The payment of ten dollars shall constitute a Life-Membership of the Association, when given for that special object, and not as a contribution to any local fund; and

Life-Members.

and those persons who have heretofore been made Life-Members under By-Laws of the Association, shall continue to be Life-Members of the same.

Directors of  
the Association.

**9.** The Council and the ex-Presidents of the Agricultural Association, and the Presidents and Vice-Presidents of the County Societies, Mechanics' Institutes, Arts' Associations, and of all Horticultural Societies (or any two members whom a County Society, Mechanics' Institute, Arts' Association or Horticultural Society, shall have appointed to act instead of its President and Vice-President) shall be the Directors of such Agricultural Association.

Who shall  
compose the  
Council of the  
Association.

**10.** The Council of the Agricultural Association for Ontario shall be composed of twelve members, elected as hereinafter provided; and the Commissioner of Agriculture, all Professors of Agriculture in chartered Colleges and Universities, the Chief Superintendent of Education, the President of the Fruit-Growers' Association and the President of the Association of Mechanics' Institutes of Ontario, or in the absence of the Presidents, then the Vice-Presidents, shall respectively be members *ex officio* of such Council of the Association.

Powers of the  
Council of the  
Association.

**11.** The Council of the Association, so composed, shall have full power to act for and on behalf of the Association between the annual meetings thereof; and all grants of money, subscriptions or other funds made or appropriated to or for the use of the Association (except money collected by or granted to any Local Committee for the local expenses of an Exhibition) shall be received by and expended under the direction of such Council.

Contracts to  
be made with  
Council of As-  
sociation.

**12.** All contracts and all legal proceedings, by, with, or concerning the Association, shall be made and had with the Council of the Association in its corporate capacity; and no other contract, agreement, actions or proceedings, shall bind or affect the Association.

Agricultural  
Districts.

**13.** Ontario shall be divided into twelve Agricultural Districts, designated by numbers, as in Schedule A annexed to this Act, each comprising the counties designated in said schedule.

County Socie-  
ties to elect a  
person annu-  
ally to the  
Agricultural  
Association.

**14.** The County Agricultural Societies in the several Districts shall, at their annual meetings provided for by section thirty-seven of this Act, each elect one person to represent it at the Council of the Association, by a majority of the votes of the members of the Society present at such meeting; and the Secretary of each Society shall, within eight days after the election, forward to the Commissioner of Agriculture the name of the person chosen by the Society.

Secretary to  
supply Com-  
missioner.

Official notice  
of Election.

**1.** The Commissioner of Agriculture shall, as soon as practicable after being notified by the Secretaries as aforesaid, officially

officially announce the names of the persons who shall have received the majority of votes in the several districts.

2. In case of an equality of votes for two or more persons, the Commissioner of Agriculture shall have a casting vote. Case of equality of votes provided for.

3. Vacancies through death, resignation or otherwise, shall be filled up by the Commissioner of Agriculture. Vacancies

15. The first election shall take place at the Annual Meetings in the year one thousand eight hundred and sixty-nine in each of the Districts designated in Schedule A, and the persons so elected shall replace the whole of the members of the present Council of the Association, who shall still continue to exercise their present functions, until after the Commissioner of Agriculture shall publish the result of said election. First Election. Schedule A.

16. The four members representing districts numbers one, two, three and four shall retire, and four other persons shall be elected, at the annual meetings in January, one thousand eight hundred and seventy: the four members representing districts numbers five, six, seven and eight shall retire, and four other persons shall be elected at the annual meetings in said districts, in January, one thousand eight hundred and seventy-one: the four members representing districts numbers nine, ten, eleven and twelve shall retire, and four other persons shall be elected at the annual meetings in said districts in the year one thousand eight hundred and seventy-two, and thereafter, in the order in which such members have been elected for the respective districts; and four members of the Council shall retire annually, each seat being vacated every third year; but retiring members may continue to exercise all their functions until their successors have been duly elected. The retiring members of the council shall in all cases be eligible for re-election; and the Secretary of the Association shall send a list of the names of the retiring members to the Secretary of each County or Electoral Division Society, on or before the first day of December in each year. Four members of Board to retire annually.

17. The said Council shall not pay or allow any sum to any member thereof, for acting as such member, except the amount of his actual necessary expenses in attending the regular meetings of the Council; but the said Council may appoint a Secretary, who shall be the Secretary of the Association, and may pay him a reasonable salary for his services; and the said Council shall also pay the Auditors appointed, as provided for in Section twenty-three, a reasonable remuneration for their services. Members to act gratuitously.

#### MEETINGS AND FUNCTIONS OF THE COUNCIL AND DIRECTORS.

18. The first Meeting of the Council of the Association, after the President, &c., to be elected.



Treasurer of  
the Association.

the election of members in each and every year, shall be called by the Secretary of the Association some time during the month of February; and at such meeting the members present shall elect from among the elected members a President and Vice-President, and shall also elect a Treasurer of the Association from amongst themselves, or otherwise; but if not elected from amongst themselves, such Treasurer shall be *ex-officio* a member of the Council of the Association; and the said Treasurer shall furnish such security as the Council may deem necessary, and he may be paid a reasonable salary for his services.

Secretary to  
continue.

1. The present Secretary of the Board of Agriculture shall continue to be the Secretary of the Association, until otherwise provided by the Council thereof.

Chairman pro-  
tem.

2. And in the absence of the President or Vice-President from any meeting, the Council may appoint a Chairman *pro tempore*.

Quorum.

3. Five members of the Council shall be a quorum.

Regular meet-  
ings of the  
Council.

4. The regular meetings of the said Council shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President or in his absence of the Vice-President, or upon the written request of any three members; and at least seven days' notice of such meeting shall be given to each member.

Duties of the  
Council.

**19.** It shall be the duty of the Council:

Annual Exhi-  
bition.

1. To hold a Fair or Exhibition, annually, open to competitors from any part of the Dominion of Canada or from other Countries, as the Directors may see fit.

Experimental  
Farm.

2. To take measures, with the approbation of the Commissioner of Agriculture, to procure and set in operation a model, illustrative or experimental farm or farms in the Province, and in connection with any Public School, College or University, or otherwise, and to manage and conduct the same.

Importation of  
improved  
breeds of ani-  
mals.

3. To take measures to obtain from other countries animals of new or improved breeds, new varieties of grain, seeds, vegetables or other agricultural productions, new or improved implements of husbandry, or new machinery, which may appear adapted to facilitate agricultural operations; and to test the quality, value and usefulness of such animals, grain, seeds, vegetables, or other productions, implements or machines.

Improvement  
in Agriculture.

4. And generally to adopt every means in their power to promote improvement in the agriculture of the Province.

5. The Council may establish a Veterinary School, and pass by-laws and adopt measures to allow persons desirous of practising as Veterinary Surgeons to undergo an examination, and upon proof to the satisfaction of the Council that they possess the requisite qualifications, may grant certificates of capacity to such persons to practise as Veterinary Surgeons.

Veterinary  
Surgeons.

20. The said Council shall keep a record of their transactions, and may from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies and farmers generally, all such Reports, Essays, Lectures, and other useful information as the said Board may procure and adjudge suitable for publication.

Records of  
their transac-  
tions, Essays,  
&c.

21. The said Council shall transmit to the Bureau of Agriculture, on or before the first day of July in each and every year, a report of their proceedings; and shall also send a copy of their resolutions, by-laws or other formal proceedings, immediately after the adoption thereof.

Copy of By-  
laws, &c; to  
be sent to  
Bureau.

1. And no resolution, By-law, or other proceeding of the Council involving an expenditure of money to an amount exceeding forty dollars, shall be passed, except with the assent of a majority of the members thereof, or upon the recommendation of an Executive Committee, of not less than three Members, who shall be appointed in accordance with a By-law of the Association.

Expenditure of  
money.

22. The said Council shall continue to be a Body Corporate, and may acquire and hold land and personal property for the purposes of its incorporation, and may sell, lease or otherwise dispose of the same; and all property, real or personal, heretofore vested in or held by the Board of Agriculture and the Agricultural Association, shall, by this Act, be vested in and for the Agricultural and Arts' Association, and be held by the said Council thereof.

Council to be a  
body corporate.

23. The Directors shall hold a meeting during the week of the Annual Exhibition, and shall at such meeting elect two Auditors, whose duty it shall be to examine and report upon all moneys received and expended by the Treasurer of the Association, and a copy of their report shall be transmitted to the Commissioner of Agriculture, to the several County and Electoral Division and Horticultural Societies, Mechanics' Institutes, and the Fruit Growers' Association, by the Secretary of the Association, on or before the first day of July in the ensuing year; the Directors shall also appoint the place for holding the next meeting and Exhibition of the Association, and may make rules and regulations for the management of such Exhibition, and may appoint a Local Committee at the place where such Exhibition is appointed to be held, and prescribe the powers and duties of the said Committee.

Meeting to be  
held during  
Exhibition for  
Election of  
Auditors.

Report to be  
sent to County,  
&c., Societies.

## MECHANICS' INSTITUTES.

Association of  
Mechanics'  
Institutes.

**24.** Any number of Mechanics' Institutes, by resolution of their respective Boards of Directors, (if such an Association has not been already formed,) may form themselves into an Association to be known as the "Association of Mechanics' Institutes of Ontario;" and such Association shall have power to adopt a constitution and make by-laws for the admission of Associate Institutes, and for any purposes consistent with the objects of Mechanics' Institutes, and not contrary to the provisions of this Act or the general laws of the Province; and on filing a copy of such constitution and by-laws with the Commissioner of Agriculture such Association shall become a body corporate.

Annual Meeting.

1. Such Association shall hold its annual meeting at the place, and during the same time, as the Exhibition of the "Agricultural and Arts' Association" is being held, in each and every year; and a report of the proceedings of the Association shall be made to the Commissioner of Agriculture within fourteen days after the holding of such annual meeting.

Representation.

2. Each Associate Institute shall be represented at the Annual Meeting by its President and Vice-President, or any two other office-bearers that such Institute may appoint in place of its President and Vice-President.

Grants to In-  
stitutes for  
class instruction.

**25.** Any Mechanics' Institute incorporated under chapter seventy-two of the Consolidated Statutes of Canada, or by Special Act of incorporation, having evening classes organized for the imparting of practical instruction to its pupils, or having established a library of books on mechanics, engineering, or chemical or other manufactures, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, for the purpose of aiding in such class instruction or technical library, or both, a sum not to exceed two hundred dollars in any one year; Provided the sum so paid shall not be greater than the sum locally contributed, or appropriated by such Institute, for such specific object or objects; and Provided, also, that the amount of such local contribution or appropriation shall be attested by an affidavit made by the Secretary of such Institute as may apply for aid (which affidavit may be in form of Schedule D to this Act annexed.)

Reports to  
Commissioner  
of Agriculture.

1. Each Institute so receiving aid, shall contribute and pay over to the Treasurer of the Association of Mechanics' Institutes of Ontario five per cent. thereof; and such Institute shall also cause to be forwarded to the Commissioner of Agriculture a properly certified copy of its Annual Report, for the year in which such aid has been granted.



## HORTICULTURAL SOCIETIES.

**26.** Any number of persons, not less than fifty, in any city or town of not less than two thousand inhabitants, and not being in itself constituted an Electoral Division, and whether such city or town is, or is not, separated from the county for municipal or other purposes, may organize and form themselves into a Horticultural Society, by signing a declaration in the form of Schedule B, to this Act annexed (but with necessary alterations as to the name of the Society), and paying each not less than one dollar to the funds of the society for that year; and all persons thereafter paying each the sum of one dollar annually to the funds of the society, shall be members thereof; and such societies shall have all the rights and privileges, and be subject to the same obligations as Township Agricultural Societies, in reporting to, and participating in the grants to the County or Electoral Division Societies in the Electoral Divisions in which they may respectively be situated.

How and where to be formed.

Declaration.

**27.** Such declaration shall be in duplicate, and one part thereof shall be written and signed on the first page or pages of a book, to be kept by the Society, for recording the minutes of its proceedings during the first year of its existence, and the other part thereof shall be written and signed, on a sheet of paper or parchment, and shall forthwith be sent by post to the Commissioner of Agriculture, who shall, as soon as may be after the receipt thereof, cause a notice of the formation of such Society to be inserted in the official *Gazette* for the Province.

Copy of Declaration to Minister of Agriculture.

Official notice of formation.

**28.** Upon the insertion in the official *Gazette* of the notice of the formation of any such Society it shall become a Corporation for the object and purposes hereinafter mentioned, by the name applied to it in such notice, which shall be the same as that in the declaration transmitted by such Society, and may acquire and hold, lease, mortgage and alienate property, real and personal, for the purposes of such Society.

Society to be a Corporation.

**29.** Every Horticultural Society incorporated under this Act may make By-laws, not being contrary to the laws of this Province, or to this Act, prescribing the mode of admission of new Members and election of Officers, and otherwise regulating the administration of its affairs and property.

Power to make By-Laws, &amp;c.

**30.** Every such Society shall hold its annual meeting in the second week of the month of January, in each year, besides meetings at such other times as may be prescribed or provided for by its By-laws; and at such annual meeting a President, Vice-President, a Secretary and a Treasurer, or Secretary-Treasurer, and not fewer than three, nor more than nine Directors, shall be elected.

Meetings of the Society.

Election of officers.

**31.** The said Officers and Directors shall prepare and present to the annual meeting of the Society a Report of their proceedings

Annual Report.

proceedings during the year, in the same manner as herein directed for County or Electoral Division Agricultural Societies, and containing information under the same heads, save and except those which relate to Agriculture—the object and purpose of Horticultural Societies being the same as those of Agricultural as hereinafter mentioned, but with reference to Horticulture only; and the said Society shall transmit a true copy thereof to the Secretary of the County Society, properly certified, in time for the annual meeting thereof, in the month of January.

#### THE FRUIT GROWERS' ASSOCIATION.

How to be  
formed.

Declaration.

**32.** Any number of persons, not less than twenty-five, may organize and form themselves into a Society, to be known as "The Fruit Growers' Association of Ontario," by signing a declaration and taking such other proceedings as are prescribed in sections twenty-six, twenty-seven, and twenty-eight of this Act, in relation to Horticultural Societies; and upon notice thereof being inserted in the official *Gazette*, such Society shall be, and become, a body corporate, and may make laws and regulations for its guidance and proper management, so long as the same shall not be contrary to the provisions of this Act, or the general laws of the Province.

Grant not to  
exceed \$350.

1. And such Society shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province, a sum not to exceed Three Hundred and Fifty Dollars, in any one year, and on the same conditions provided in the case of County or Electoral Division Agricultural Societies, in the forty-sixth section of this Act.

Annual Meet-  
ing.

**33.** The said Society shall hold an annual meeting at the place, and during the same time as the Exhibition of the Agricultural and Arts' Association is being held, in each and every year; and shall, at such meeting, present a full report of its proceedings, and detailed statement of its receipts and expenditure for the previous year, and shall, at such meeting, elect a President, Vice-President, Secretary and Treasurer, (or a Secretary-Treasurer,) and not fewer than five, nor more than nine Directors, and they shall also elect two auditors.

Election of  
officers.

Report to Com-  
missioner.

1. A copy of the Annual Report of its proceedings, and a list of the office-bearers elected, and also such information as the Society may have been able to obtain on the subject of Fruit culture in the Province, shall be sent to the Commissioner of Agriculture within fourteen days after the holding of such annual meeting.

#### AGRICULTURAL SOCIETIES—COUNTY OR ELECTORAL DIVISION SOCIETIES.

Society may be  
organized in  
each Electoral  
Division.

**34.** An Agricultural Society may be organized in each of the Electoral Divisions of Ontario, as now constituted for the purpose

purpose of representation in Parliament, (in which there was not one at the time of the passing of this Act) whenever fifty persons have become members thereof, by signing a declaration in the form of the Schedule B to this Act annexed, and paying each not less than One Dollar to the funds of the said Society for that year; and all persons, thereafter paying each the sum of One Dollar annually to the funds of the Society, shall be members thereof; and a true copy of the said declaration shall within one month after the money has been so paid, be transmitted to the Commissioner of Agriculture, except that the two Electoral Divisions of the City of Toronto shall only constitute one Division for the purposes of this Act.

**35.** The object of the said Societies, and of the Township Societies in connection therewith, shall be to encourage improvement in Agriculture, Horticulture, or Arts and Manufactures : Object of such Societies.

1. By holding meetings for discussion, and for hearing Lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes. Discussion, &c.

2. By promoting the circulation of Agricultural, Horticultural and Mechanical periodicals. Agricultural periodicals.

3. By importing, or otherwise procuring, Seeds, Plants and Animals of new and valuable kinds. Seeds, Plants, &c.

4. By offering Prizes for Essays on questions of scientific enquiry relating to Agriculture or Horticulture, Manufactures and works of Art. Prizes for Essays.

5. And by awarding Premiums for excellence in the raising or introduction of Stock, the invention or improvement of Agricultural or Horticultural Implements and Machinery, the production of Grain and of all kinds of Vegetables, Plants, Flowers and Fruits, and generally for excellence in any Agricultural or Horticultural production or operation, article of manufacture or work of Art. Premiums.

6. The funds of the Societies, derived from subscription of members or the public grants, shall not be expended for any object inconsistent with those above mentioned. Application of Funds.

7. And the Directors of every such County or Electoral Division Society, at any meeting called by written notice, as hereinafter mentioned, and in which notice the object of the meeting has been specified, may make, alter and repeal By-laws and Rules for the regulation of such Society and the carrying out of its objects. Directors make By-Laws, &c.

**36.** The first meeting for the formation of a County or Electoral Division Agricultural Society under this Act, shall be First Meeting, how called,  
called



called by the Representative of such Electoral Division in the Legislature of Ontario, in the third week of January in each year, at which meeting the election of the various officers shall take place, and the Society so organized shall be deemed the County or Electoral Division Society, and shall be entitled to receive the Government grant hereinafter provided; and all subsequent annual meetings after the first meeting shall be called and held as provided in the next following section of this Act.

First Meeting  
for 1868.

1. It shall be lawful for the Representative of any Electoral Division in the Legislature of Ontario, in which a Society has not already been organized in accordance with this section, to call a meeting and organize a society at any time prior to the first day of May, one thousand eight hundred and sixty-eight; and such meeting shall be held at or near where the nomination of candidates at the last general election was held in such Electoral Division.

Annual Meet-  
ings.

**37.** The said Societies shall hold their annual meetings in the third week, that is to say, between the fifteenth and twenty-first days of January in each year, and shall at such meeting elect a President, two Vice-Presidents, a Secretary and Treasurer, (or a Secretary-Treasurer), and not more than nine other Directors, who shall constitute the officers of the Society; and shall also elect two Auditors.

Election of  
Officers.

Return of  
Office-bearers.

1. The Secretary of each Electoral Division Society shall, with the return of persons nominated to the Council of the Association, as provided for in section fourteen of this Act, also return a full list of the several office-bearers elected at the annual meeting of such societies.

Meetings, &c.

**38.** The Meetings of the Officers and Directors shall be held pursuant to adjournment, or be called by written notice given by authority of the President, or in his absence the Senior Vice-President, at least one week before the day appointed; and at any meeting five shall be a quorum.

Annual Report  
of proceedings

**39.** The said Officers and Directors shall, in addition to the ordinary duties of management, cause to be prepared, and shall present at the annual meeting, a report of their proceedings during the year, in which shall be stated the names of all the Members of the Society, the amount paid by each being set opposite to his name, the amount awarded in Prizes to each kind of Live Stock, Agricultural Products, Implements, Domestic Products or other objects, respectively, together with such remarks and suggestions upon the Agriculture and Horticulture of the County, and Arts and Manufactures therein, as the Directors are enabled to offer.

And what it  
shall contain.

Annual ac-  
counts.

1. There shall also be presented to the said annual meeting a detailed statement of the receipts and disbursements  
of

of the Society during the year, in which shall also be shown the expenses of management under separate and distinct heads.

2. The said Report and statement, if approved by the meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President, or a Vice-President, as being a correct entry; and a true copy thereof, certified by the President or Secretary, for the time being, shall be sent to the Bureau of Agriculture, on or before the first day of March next following.

Entry of Report.

Copy to Bureau of Agriculture.

40. The County or Electoral Division Society shall receive the Reports of the Township Societies, and of the Horticultural Societies organized under section twenty-six of this Act; and shall transmit them to the Bureau of Agriculture, with such remarks thereon as will enable the Commissioner to obtain a correct knowledge of the progress of Agricultural Improvement in the County or Electoral Division.

County Society to receive Report from Townships, &c.

41. The said Officers and Directors shall answer such queries and give such information as the Commissioner of Agriculture may from time to time, by circular, letter or otherwise, require, touching the interests or condition of Agriculture in their County or Electoral Division, and generally shall act as far as practicable upon the recommendations of the said Commissioner.

Officers to give information to Bureau of Agriculture.

#### TOWNSHIP SOCIETIES.

42. A Township Agricultural Society may be organized in each Township in Ontario, in which there was not one already organized at the date of the passing of this Act, or in any two or more such townships together, wherever a sufficient number of persons, not less than fifty, become members by signing a declaration in the form of Schedule B, to this act annexed, and paying each not less than one dollar to the funds of the Society for that year; and all persons thereafter paying each the sum of one dollar annually to the funds of the Society shall be members thereof; and a true copy of the said declaration, certified by the President or Vice-President of such Society, shall be forthwith transmitted to the County Society.

Where and how Township Societies organized.

Declaration.

1. Each Township Society shall be legally known and designated by the name of the Township or Union of Townships in which it is situated, and there shall not be more than one such Society in any Township.

Name of Society.

2. In cases where part of a Township is in one Electoral Division and part in another, the Township Society shall transmit a copy of its Annual Report to the Secretary of each such Electoral Division Society, as provided for in Section forty-four; and such Township Society shall also return to the respective Treasurers of the said Electoral Division Societies a

Proviso for Division of Townships.

list

list of the subscriptions of its members, attested as in other cases provided for by section forty-eight of this Act; and based on such returns shall receive from each of such Electoral Division Societies its share of all Legislative and other public grants, but in the proportion of fifty per cent only of such returns, as compared with the returns of other Townships in the respective Electoral Divisions.

Annual Meeting to be held and when.

Election of officers.

43. The said Societies shall hold their Annual Meetings in the second week, that is to say on some day between the seventh and fourteenth day, inclusive, of the month of January in each year, and shall elect a President, Vice-President, Secretary and Treasurer, (or Secretary-Treasurer,) and not fewer than three nor more than nine other Directors, and shall also elect two Auditors.

Report at annual meeting.

44. The said Officers and Directors shall prepare and present to the Annual Meeting of the Society, a report of their proceedings during the year, in the same manner as hereinbefore directed for County Societies, and containing information under the same heading, and shall transmit a true copy thereof, certified by the President or Vice-President, to the Secretary of the County Society, in time for the Annual Meeting thereof in the month of January.

#### GENERAL PROVISIONS RELATIVE TO AGRICULTURAL AND OTHER SOCIETIES.

Where Exhibition of County Society held.

45. The exhibition of the County Society shall be held wherever the majority of the Directors, or of a quorum thereof, think fit, giving due and public notice thereof, within the limits of the said County or Electoral Division, or of any adjoining County or Township, with the Society of which they may unite their funds as hereinafter mentioned.

Union of County and Township Societies.

1. Any two or more County and Township Societies may, by agreement between the Directors thereof, or a majority of Directors of each such Society, unite their funds, or any portion thereof, for the erection of suitable Buildings in which to exhibit Articles of Produce or Manufacture, or Works of Art, and for annual or extra Shows, or for Ploughing Matches, or for any other purpose likely to promote the welfare of any one or more Counties or Townships, in Agriculture, Horticulture, Arts or Manufactures, and may acquire by purchase or lease and hold sufficient land for this purpose from time to time, and may exchange and sell the same.

Merging of Township with County Society.

2. No Separate Township Show shall be held in the Township in which the County Fall Show shall be held in any year, but the funds of the Township Society in such case may be merged with those of the County Society for that year, and, if so merged, the members of such Township Society shall be entitled to all the privileges of members of the County Society at the Show;



Show; and the Directors of such Township Society shall be Co-Directors with the Directors of the County Society, for the conducting and management of such Show.

46. A County Society having previously forwarded to the Commissioner of Agriculture a copy of its Report and statements for the year then last past, as required by this Act, and transmitting to the Commissioner of Agriculture an affidavit, on or before the first day of July in each year, (which may be in the form of Schedule C, to this Act annexed, and may be sworn to before any Justice of the Peace,) stating the amount subscribed for that year, and paid to the Treasurer of the County Society by the members thereof, together with the amounts returned to the said Treasurer of the County Society by the several Township and Horticultural Societies of the said County, as provided in section forty-eight of this Act, shall be entitled to receive a sum, to be paid out of any unappropriated moneys in the hands of the Treasurer of the Province, equal to three times the amount certified by the said affidavit of the Treasurer of such County Society :

Allowance to County Societies and conditions thereof.

1. But no Grant shall be made unless one hundred dollars be first subscribed and paid to the Treasurer of the County Society, and to the Treasurers of the Township Societies within its limits :

Proviso.

2. And the whole amount to any Electoral Division Society shall not exceed seven hundred dollars in any year.

Grant not to exceed \$700.

47. The City of Toronto shall be entitled to receive a sum not exceeding Five Hundred and Fifty Dollars in any year, and the following Electoral Divisions, viz., the City of Kingston, the City of Hamilton, the Town of Brockville, the Town of Niagara, the Town of Cornwall, the City of London, and the City of Ottawa, as bounded for purposes of representation in the Legislative Assembly, shall each be entitled to receive a sum not exceeding Three Hundred and Fifty Dollars for the encouragement of Agriculture, Horticulture, Manufactures and Works of Art within their respective limits :

City of Toronto to have \$550.

Certain other Electoral Divisions only \$550.

1. Provided that a sum equal to one-third of the amount to be so paid by the Government is subscribed and paid to the Treasurer of a Society to be formed within such Electoral Division, except in the case of the City of Toronto where two-thirds must be subscribed, in the same manner as County Agricultural Societies under section forty-six of this Act, and to be called "The Society for the Electoral Division of ———," as the case may be.

Proviso.

48. Every Township Society organized at the time of the passing of this Act, and every Township or Horticultural Society hereafter organized under the provisions of this Act, and sending a report of its proceedings to the County

Allowance to Township Societies from County Grant and conditions hereof.

Affidavit of  
Township  
Treasurer.

County Society, as hereinbefore required, shall be entitled to a share of the grant to the County Society, in proportion to the amount subscribed and paid by the members of such Township Society, and a list thereof, stating the amount paid by each member, shall be returned to the Treasurer of the County Society, attested by an affidavit made by the Treasurer of such Township Society, in like manner as provided in the case of the Treasurers of County Societies, section forty-six of this Act, (which affidavit may be in form of Schedule E to this Act annexed,) on or before the first day of June in each year, and the Treasurer of the County Society shall pay over to any Township or Horticultural Society its share of the public grant, which shall be in proportion to the amount it has subscribed, as compared with the amounts subscribed by the other Township Societies of the County, as soon as the said grant is received by the County Society.

Only three-  
fifths to be  
divided.

1. Provided that three-fifths, and no more, of the sum so received by any County Society shall be subject to division among Township and Horticultural Societies; and provided that the declaration mentioned in section forty-two of this Act shall be deemed a sufficient report in the first year in which any Township Society has been organized, and that no Township or Horticultural Society shall thus receive more than three times the amount so deposited by it as aforesaid, nor more than one-fifth of the entire grant to the Electoral Division Society.

Proviso as to  
Membership:

2. And provided that nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto, and without further subscription to the County Society, to any of the privileges of a member of such County Society, except when the County Show shall be held within the limits of a Township, as mentioned in section forty-five, sub-section two, of this Act.

Right of vot-  
ing.

3. All persons who shall have paid the membership subscription for the year then next ensuing, to any society organized under this act, and prior to the first of January of such ensuing year, shall have the right of voting at the election of such office bearers, and on all other questions submitted to the annual meetings of such societies, which shall apply solely to the business of such ensuing year; and all persons whose names are recorded on the books of any such society as legal members thereof under this Act, shall have the right of voting on all other questions submitted to such annual meetings.

Vacancies:

4. In the event of the Secretary or Treasurer of any Agricultural or other Society dying or resigning office during the time for which he has been elected, it shall be the duty of the Directors, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning as aforesaid.

**49.** The Lieutenant-Governor shall issue his warrant in favor of the Agricultural and other societies entitled to grants under this Act, to the amount of the whole appropriation required, as certified by the Commissioner of Agriculture; and the said Commissioner of Agriculture shall cause to be paid over to the County Societies, the public grants to which they are respectively entitled.

Commissioner  
of Agriculture  
to pay Grants.

**50.** Any Treasurer or other officer of any County or Township Society, who makes affidavit that a subscription, or any sum of money, has been paid to him for the Society, when it has not been so paid, or who returns any such subscription, shall forfeit and pay to Her Majesty the sum of Forty Dollars for every such offence, and shall be guilty of perjury, and be held liable to all the penalties with which the law visits that crime.

Penalty for  
false affidavit.  
&c.

**51.** The several County Societies organized at the time of the passing of this Act, shall be and continue bodies corporate, with power to acquire and hold land as a site for Fairs and Exhibitions, or for a School Farm, and to sell, lease, or otherwise dispose of the same; and any Township Society lawfully organized as aforesaid, may at any regular meeting adopt a resolution that the said Society is desirous of being incorporated, and upon filing the said resolution with the Secretary of the Bureau of Agriculture, such Society shall thenceforth be and become a body corporate, and shall have like powers with County Societies.

County Soci-  
eties to be  
bodies corpor-  
ate.

**52.** Any County or Township Society, or the Municipal Council of any County or Township in Ontario, may purchase and hold land for the purpose of establishing a School Farm to instruct pupils in the science and practice of Agriculture; and any Society and any Municipal Council may purchase and hold such School Farm, conjointly or otherwise, and may, conjointly or otherwise, make all necessary rules and regulations for the management thereof; Provided that not more than two hundred acres of land shall be so held by any Society or Council, whether conjointly or otherwise.

Society may  
purchase land.

Proviso.

**53.** In any County, or Riding of a County, divided into two or more Electoral Divisions by the Act of Confederation, it shall be necessary to organize a new Agricultural Society for each; and any property that may have been held by the Agricultural Society representing the County or Riding prior to such division, or the value thereof, shall be equitably apportioned or divided by three arbitrators or a majority of them, one to be appointed by the Directors of the Society in each such Electoral Division, and another arbitrator to be chosen by the arbitrators so appointed; and in cases where new Ridings or Electoral Divisions have been formed for the purpose of representation in Parliament, by townships taken from two or more

Proviso in the  
event of Pro-  
perty being in  
one or more  
Electoral Divi-  
sions.



more Counties or Electoral Divisions, then any property, real or personal, which originally belonged to such County or Electoral Division Societies before the said townships were taken therefrom, shall continue to belong to the societies of such original Counties or Electoral Divisions.

Interpretation  
Clause.

**54.** The words "Commissioner," or "Commissioner of Agriculture," mean the "Commissioner of Agriculture and Arts"; the words "Bureau of Agriculture," mean the "Bureau of Agriculture and Arts"; the words "Council" or "Council of the Association," mean "Council of the Agricultural and Arts Association"; the word "County" in the sections of the Act applying to Agricultural Societies, means "Electoral Division," except where such construction is inconsistent with the express enactment in which such word is used; and the words "Electoral Division," whenever used herein, mean a Division for purposes of representation in the Legislative Assembly of the Province of Ontario; and the counties named in Schedule A of this Act, mean all the Electoral Divisions embraced within such counties.

Act to apply  
to Counties,  
&c., to be here-  
after formed.

**1.** And the provisions of the said sections with regard to grants and Electoral Divisions, conditions of grants, &c., &c., shall extend to any new Counties or new Electoral Divisions to be hereafter formed in Ontario.

#### MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

Municipalities  
may grant land  
or money in aid  
of purposes of  
this Act.

**55.** The Municipality of any City, Town, Village, County or Township in this Province, may grant money or land in aid of the Agricultural Association, or of any Agricultural or Horticultural Societies whatever duly organized under this Act, or of any incorporated Mechanics' Institute within the limits of the Municipality.

Any Justice of  
the Peace may  
appoint Police  
men, &c.

**56.** Any Justice of the Peace for any City, Town, Village or Township, wherein a Fair or Exhibition may be held, shall, on the request of the Council of the Association, or the Directors or Executive Committee of any Agricultural or Horticultural Society, appoint as many Policemen or Constables as may be required, at the expense of the said Association or Society, said Policemen or Constables to be named by such Association or Society, whose duty it shall be to protect the property of the said Association or Society within the Exhibition grounds, to eject all persons who shall be improperly within the grounds, or who shall behave in a disorderly manner, or otherwise violate any of the Rules or regulations of the said Society.

Penalty for in-  
fringing, &c.,  
the property.

**57.** If any person shall wilfully injure or destroy any property within the Exhibition grounds of the Association, or of any Agricultural or Horticultural Society, or shall hinder or obstruct the officers or servants of the said Association or Society,

Society, or any Policeman or Constable duly appointed as aforesaid, in the execution of his duty, or shall gain admission to the said grounds contrary to the rules of the said Association or Society, he shall be liable to a fine of not less than One, nor more than Twenty Dollars; said fine to be enforced and collected as fines are usually collected, and to be paid over to said Association or Society for its use and benefit; and in default of payment the said offender shall be imprisoned in the Common Gaol for a period of not more than Thirty Days.

58. The officers of any such Association or Society may by their Rules and Regulations prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, as also regulate or prevent the huckstering or trafficking in spirituous or intoxicating drinks, fruits, goods, wares or merchandize within three hundred yards from the Exhibition Ground, and any person who may, after due notice of such rules and regulations, violate the same, shall be liable to be removed by the Officers, Policemen or Constables of said Association or Society and be subject to the penalty prescribed by the next preceding section.

Gambling, &c.,  
to be prevented.  
  
Penalty.

#### SCHEDULE A.

1. Stormont, Dundas, Glengary Prescott, and Cornwall.
2. Lanark, Renfrew, City of Ottawa, Carleton, and Russell.
3. Frontenac, City of Kingston, Leeds, Grenville, and Brockville.
4. Hastings, Prince Edward, Lennox, and Addington.
5. Durham, Northumberland, Peterborough, and Victoria.
6. York, Ontario, Peel, Cardwell, and City of Toronto.
7. Wellington, Waterloo, Wentworth, Halton, and City of Hamilton.
8. Lincoln, Welland, Haldimand, Monck, and Niagara.
9. Elgin, Brant, Oxford, and Norfolk.
10. Huron, Bruce, Grey, Algoma, and Simcoe.
11. Perth, Middlesex, and City of London.
12. Essex, Kent, Bothwell, and Lambton.

#### SCHEDULE

## SCHEDULE B.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of the "Act respecting the Bureau of Agriculture and Agricultural Societies," to be called the (County Electoral Division, or Township, as the case may be) Agricultural (or Horticultural) Society of the County (or Electoral Division) of \_\_\_\_\_ or (Township of \_\_\_\_\_); and we hereby severally agree to pay to the Treasurer yearly, while we continue members of the Society (any member being at liberty to retire therefrom upon giving notice in writing to the Secretary, at any time before the annual meeting, of his wish so to do) the sums opposite our respective names; and we further agree to conform to the Rules and By-Laws of the said Society.

NAMES.	\$	CTS.

## SCHEDULE C.

COUNTY OF \_\_\_\_\_ }  
TO WIT: }

I, A. B., of the (Township) of \_\_\_\_\_ Treasurer of the County Agricultural Society of \_\_\_\_\_ make oath and say that the sum of \_\_\_\_\_ has been reported to me by the Treasurers of the Township Agricultural Societies of the said County, under oath, as provided for in section forty-eight of the Act relating thereto, as and for the members' subscriptions for this year; and that the sum of \_\_\_\_\_ has been paid into my hands, as subscriptions for this year, by members of the said County Society; and that the said sums amount in the whole to the sum of \_\_\_\_\_; and that the amounts received as subscriptions to the County Society now remain in my hands, or have already been disposed of according to law.

Sworn before me this \_\_\_\_\_ day of \_\_\_\_\_ A. D. 186 \_\_\_\_\_ }  
C. D. \_\_\_\_\_ A. B.

Justice of the Peace for the County of \_\_\_\_\_

SCHEDULE



## SCHEDULE D.

COUNTY OF                    }  
TO WIT:                    }

I, A. B., of                   , Secretary of the  
Mechanics' Institute, make oath and say that the sum  
of                   has been contributed or appropriated for  
the special object of Evening Class instruction in said Institute,  
(or for the purchase of technical works for its Library,) for the  
current year, as provided for, and on the conditions named, in  
section twenty-five of the Act relating thereto.

Sworn before me this                    }  
day of                   A. D. 186                    A. B.,  
                  C. D.                    }

Justice of the Peace for the County of

## SCHEDULE E.

COUNTY OF                    }  
TO WIT:                    }

I, A. B., of the Township of                   , Treasurer of  
the Agricultural Society for the Township of                   ,  
make oath and say that the sum of                   has been paid  
into my hands as and for the members' subscriptions for this  
year, in accordance with the list herewith returned to the  
Treasurer of the County Society; and that the said sum now  
is in my hands, or has already been disposed of according to  
law.

Sworn before me this                    }  
day of                   A. D. 186                    A. B.,  
                  C. D.                    }

Justice of the Peace for the County of

## CAP. XXX.

An Act to amend the Municipal Institutions Act of  
Upper Canada, twenty-nine and thirty Victoria,  
chapters fifty-one and fifty-two.

[Assented to 4th March, 1868.]

HER Majesty, by and with the advice and consent of the  
Legislative Assembly of Ontario, enacts as follows:

1.

Certain sections,  
of 29 & 30 V.,  
caps. 51 and 52  
repealed.

1. Sub-section one of section twenty-six; sub-section three of section sixty-six; sections seventy-three, seventy-five, seventy-six, eighty, eighty-one and eighty-eight; sub-section eight of section one hundred; sub-sections, one, two, four and six of section one hundred and one; sections one hundred and twenty-four and one hundred and sixty-five; sub-sections seven and eight of one hundred and ninety-six; sub-section seven of two hundred and forty-six, and sub-section two of two hundred and eighty-two, of the Acts passed in the twenty-ninth and thirtieth years of Her Majesty's reign, chapters fifty-one and fifty-two, are hereby repealed; and the following sections and sub-sections shall be, and are hereby substituted in lieu of said sections and sub-sections hereby repealed, and shall be taken and read as the said sections and sub-sections of the said Municipal Acts, viz.:

New sub-section  
1 of section 26.

2. In lieu of sub-section one of section twenty-six the following:—

“After the final passing of the By-Law, the amount which the Town is to pay to the County for the expenses of the administration of justice, the use of the Gaol, and the erection and repairs of the registry office and for providing books for the same, and for services for which the County shall be liable, as required by and under the provisions of any act respecting the registration of instruments relating to lands, as well as for the then existing debt of the County, if not mutually agreed upon, shall be ascertained by arbitration under this act, and the agreement or award shall distinguish the amount to be annually paid for the said expenses, and for the then debt of the County, and the number of years the payments for the debt are to be continued.”

Sub-section 5  
of Section 26  
amended

3. Sub-section five of section twenty-six is amended by adding to the end thereof the following words: “the erection and repairs of the registry office or offices, and for providing books for the same, and for services for which the county shall be liable, as required by and under the provisions of any act respecting the registration of instruments relating to lands.”

Sec. 29 amend  
ed.

4. Section twenty-nine is amended by adding to the end thereof the following:—

“Or in case two-thirds of the resident freeholders and householders of one or more junior townships petition the Council of the County to be separated from the union to which they belong, and to be attached to some other adjoining municipality, and in case said Council consider the interests and convenience of the inhabitants of such township or townships would be promoted thereby, they may by by-law, separate such township or townships from said union, and attach them to some other adjoining municipality.”

5. Section forty-eight is amended by adding to the end thereof the following proviso:—"Provided also that nothing in this Act shall prevent any Senior County from which the Junior County may have been separated before the passing of this Act from paying over to the Junior County its proportion of the assets belonging to the United Counties at the time of the separation."

Section 48  
amended.

6. In lieu of sub-section three of section sixty-six, as amended, the following is substituted:

New sub-section 3 of section 66.

"The Council of every town shall consist of the Mayor, who shall be the head thereof, and of three Councillors for every ward, one of whom shall retire annually in rotation as provided by twenty-nine and thirty Victoria, chapter fifty-one, section eighty-eight and if the town has not withdrawn from the jurisdiction of the Council of the County in which it lies, then a Reeve shall be added, and if the town had the names of five hundred freeholders and householders on the last revised assessment roll, then a Deputy-Reeve shall be added, and for every additional five hundred names of persons possessing the same property qualification as voters on such Roll, there shall be elected an additional Deputy-Reeve; Provided, always, that in towns where there are five wards, the whole of the Councillors shall be re-elected next January, and they shall retire annually, in rotation, by ballot, as provided for in sections eighty-eight and ninety of the said Act."

29 & 30 V. c.  
51 s. 88 and 90.

7. All that portion of section seventy which relates to the qualification of Aldermen in cities is repealed and the following substituted in lieu thereof:

Section 70  
amended.

"And in cities, for Aldermen, Freehold to three thousand dollars, or Leasehold to six thousand dollars."

8. In lieu of section seventy-three as amended the following:—

New section  
73.

"No Judge of any court of civil jurisdiction, no Gaoler or Keeper of a House of Correction, no Sheriff, Deputy Sheriff, Sheriff's Bailiff, High Bailiff, or Chief Constable of any city or town, Assessor, Collector, Treasurer, Chamberlain or Clerk of any municipality, no Bailiff of any Division Court, no County Attorney, no Registrar, no Deputy Clerk of the Crown, no Clerk of the County Court, no Clerk of the Peace, no Innkeeper or Saloon-keeper, and no person having by himself or his partner an interest in any contract, with or on behalf of the Corporation, shall hereafter be qualified to be a member of the Council of any Municipal Corporation; Provided always that no person shall be held to be disqualified from being elected a member of the Council of any Corporation by reason of his being a shareholder in any Incorporated Company, having dealings or contracts with the Council



cil of such Municipal Corporation, or by having a lease of twenty-one years or upwards, of any property from the Corporation, but any such leaseholder shall not vote in the Corporation on any question affecting any lease from the Corporation."

New section  
75.

9. In lieu of section seventy-five as amended the following :—

"The electors of every municipality for which there is an assessment roll, and the electors of every police village, shall be the male freeholders thereof, whether resident or not, and such of the male householders and tenants thereof, as have been resident therein, for one month next before the election, who are natural born or naturalized subjects of Her Majesty, and of the full age of twenty-one years, and who were severally rated on the last revised assessment roll, for real property, in the municipality or police village, held in their own right or that of their wives, as proprietors, householders, or tenants, and such rating shall be absolute and final, and shall not be questioned, either by any Returning Officer, on any application to set aside any election under this or any Act respecting the municipal institutions of Ontario."

New Section  
76.

10. In lieu of section seventy-six the following :—

"In Cities, Towns, Townships and Incorporated Villages, such real property, whether freehold or leasehold, or partly each must have been so rated as of at least the actual value following :—

"In Cities, five hundred dollars.

"In Towns, three hundred dollars.

"In Incorporated Villages, two hundred dollars.

"In Townships, one hundred dollars.

"In Police Villages, one hundred dollars."

New section  
80.

11. In lieu of section eighty the following :

"When any real property is owned or occupied jointly, by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each, then each shall be deemed rated within this Act, otherwise none of them shall be deemed so rated.

New section  
81.

12. In lieu of Section Eighty-one the following :

"Every male person entered on the then last revised assessment roll for every County, City, Town, Village or Township as the owner or occupant of real property of the actual value—in Cities of five hundred dollars ; in Towns of three hundred dollars ; in incorporated

incorporated Villages of two hundred dollars; and in Townships of two hundred dollars, shall be entitled to vote at all Parliamentary elections, subject to the provisions of the Act chapter six, of the Consolidated Statutes of Canada, except sub-sections numbered one and two of section four of the said Act, which are hereby repealed, so far as they relate to Ontario."

Con. Stat. Ca.,  
c. 6, s. 4, sub-  
sec. 1 and 2,  
repealed.

**13.** Sub-section three of section one hundred is amended as follows:

Sub-section 3  
of section 100  
amended.

In the second line strike out the words "and a poll be demanded by any Candidate or Elector."

**14.** Sub-section seven of section one hundred is amended as follows:

Sub-section 7  
of section 100  
amended.

In the third line strike out the word "Township."

**15.** In lieu of sub-section eight of section one hundred, the following:

New sub-sec-  
tion 8 of sec-  
tion 100.

"The Clerk of the Township, Incorporated Village or Police Village, (or person so appointed as Chairman, as aforesaid) shall add up the votes set down for each candidate on the respective poll books, and ascertain the aggregate number of votes, and shall on the day following the election, put in some conspicuous place at the Town-Hall, or other place where the nomination was held, the state of the poll, with the number of votes received by each candidate, and a certificate annexed to the said statement, under his hand and seal, shewing the successful candidate or candidates."

**16.** In lieu of sub-section one, of section one hundred and one the following:

New sub-sec-  
tion 1 of sec-  
tion 101.

"A meeting of the electors shall take place for the nomination of candidates for the offices of Aldermen in cities, and of Councillors in towns, at noon, on the last Monday, but one, in December, annually, in each ward thereof, at such place therein as shall, from time to time, be fixed by By-law of the said city or town councils."

**17.** In lieu of sub-section two, of section one hundred and one, the following:

New sub-sec-  
tion 2 of sec-  
tion 101

"The said Council shall respectively, by their said By-law, name the Returning Officer for each Ward, who shall preside at the nomination of candidates, or in his absence, a Chairman to be chosen by the meeting shall preside, and the Returning Officer shall give at least six days' notice of such meeting."

New sub-section 4 of section 101

**18.** In lieu of sub-section four, of section one hundred and one, the following :

"If more than the necessary number of candidates be proposed, the Returning Officer, or Chairman, shall adjourn the proceedings until the first Monday in January, when a poll, or Polls, shall be opened at such place, or places, as shall be fixed by the said By-law of the said Councils, respectively, for the election, at nine of the clock in the morning, and shall continue open until five of the clock in the afternoon, and no longer; and where there are two or more Electoral Divisions, in any ward, the said Council shall, by by-law, fix the places for holding the election, and also name the Returning Officers who shall preside at the respective polling places."

New sub-section 6 of section 101.

**19.** In lieu of sub-section six of section one hundred and one, the following :

"The Clerk of every Town or City shall provide the Returning Officer of every Ward, or Electoral Division, with a poll book, and shall enter in such book, in separate columns, the names of the Candidates proposed and seconded at the nomination, and the Returning Officer shall, opposite to such columns, write the names of the electors offering to vote at the election, and shall, in each column in which is entered the name of a Candidate voted for by a voter, set the figure '1' opposite the voter's name."

Section 105 amended.

**20.** Section one hundred and five is amended, by adding after the word "year," in the second line, "and the Clerk of the Council shall preside at such election."

Amendment of 111.

**21.** Section one hundred and eleven is amended as follows :

In the second line strike out the words "and if a poll is demanded."

New section 124.

**22.** In lieu of section one hundred and twenty-four, the following :

"If, after the election of any person as member of a Council, he be convicted of felony, or infamous crime, or becomes insolvent, within the meaning of the Insolvent Acts of one thousand eight hundred and sixty-four and one thousand eight hundred and sixty-five, or he applies for relief as an insolvent debtor, or remains in close custody, or assigns his property for the use of his creditors, or he absents himself from the meetings of the Council for three months, without being authorized by a resolution of the Council entered in its minutes, his seat in the Council shall thereby become vacant; and the Council shall declare the seat vacant and order a new election."



**23.** Section one hundred and fifty-six is amended by striking out the eighth, ninth, and thirteenth lines. Amendment 156.

**24.** In lieu of section one hundred and sixty-five the following : New section 165.

“The Assessors shall state in their assessment rolls, whether the persons named therein are freeholders, householders or tenants, and shall, in separate columns for this purpose, use the initial letters. F, H, or T, to signify the same respectively.”

**25.** In lieu of number seven of sub-section two of section two hundred and forty-six, the following : Amendment of No. 7 of sub-section 2 of section 246.

“(7) And such other officers as are necessary in the affairs of the corporation, or for carrying into effect the provisions of any Act of the Legislature, or for the removal of such officers : but nothing in this Act shall prevent any member of a corporation from acting as Commissioner, Superintendent, or Overseer, over any road or work undertaken and carried on, in part or in whole, at the expense of the municipality ; and it shall be lawful for said municipality to pay any such member of the corporation acting as such Commissioner, Superintendent, or Overseer, in the same manner as councillors are paid, and all payments heretofore made by any municipality to any Commissioner, Superintendent, or Overseer, acting as such, are hereby declared to be legal, but this section shall not in any way affect any judgment already obtained, or any suit or proceeding already commenced.”

**26.** Section two hundred and seventy-one is amended by adding after the word “Council,” in the third line, the following words : Section 271 amended.

“Or any Member while attending on Committee of the Council.”

**27.** Section two hundred and seventy-two is amended by adding the words “or from any other source” after the word “Fund,” in the third line. Section 272 amended.

**28.** Section two hundred and seventy-nine is amended by inserting the words “and Incorporated Village,” after “Township,” in first line. Amendment section 279.

**29.** The following sub-section is added to section two hundred and eighty : New sub-section to section 280.

“Wherever a stream or creek runs through two or more Townships, and the said stream or creek may have been cleared of all obstructions in one or more of said Townships, it shall be the duty of the Council of the adjoining Township to pass a By-law for clearing or removing any obstruction in said creek

or

or stream within its limits, and to take such proceedings as are mentioned in the foregoing section; Provided always that such By-law shall be passed and enforced on the petition of any twelve Freeholders in any Municipality in which any creek or stream has not been cleared."

New sub-section 2 of section 282.

**30.** In lieu of sub-section two of section two hundred and eighty-two, the following:

"For assessing and levying, in the same manner as taxes are levied, upon the real property to be immediately benefitted by the deepening or draining, a special rate, sufficient to include a sinking fund for the repayment of Debentures, which such Councils are hereby authorized to issue in such cases respectively, to provide funds for such improvements, and for so assessing and levying the same, in the same manner as other taxes are levied, by an annual rate in the dollar on the real property so benefitted, in proportion, as nearly as may be, to the benefit derived by such portion."

Sub-section 3 of section 286 amended.

**31.** Sub-section three of section two hundred and eighty-six is amended by striking out the words "householder or" in the third line.

Amendment section 296.

**32.** Section two hundred and ninety-six is amended as follows:

In sub-section eleven add to the end thereof the following words: "Eggs and all articles required for family use, and such as are usually sold in the market."

In sub-section twelve add the word "butchers," after "hucksters," in second line.

Licenses of Cabs in cities.

**33.** The Board of Commissioners of Police in cities shall have the powers vested in City Councils by sub-section thirty-one of section two hundred and ninety-six, instead of said City Councils.

Sub-section 47 of 296 amended.

**34.** Sub-section forty-seven of section two hundred and ninety-six is amended by striking out the words "also to remove the same," in the third line.

Amendment section 301.

**35.** Section three hundred and one is amended by adding the words "and Town" after "City," in the first line.

New sub-section to section 269.

**36.** The following sub-section is added to section two hundred and sixty-nine.

"For preventing persons from throwing any dirt, filth, carcasses of animals or rubbish on any street, road, line, or highway."

**37.** The following sub-section is added to section three hundred and forty-five :—

New sub-section to section 345.

“The Corporation of any township or county, wherever minerals are found, may sell, by public auction, or otherwise, the mineral rights to the roads over which said township or county may have jurisdiction, if considered expedient so to do ; Provided always that no such sale shall take place until after due notice of such intended by-law has been posted up in six of the most public places in the immediate neighborhood of such road, for, at least, one month previous to the time fixed for considering such by-law ; Provided, also, that the deed of conveyance to the purchaser or purchasers, under said by-law, shall contain a proviso protecting the road for public travel, and preventing any uses of the granted rights interfering with public travel.”

**38.** Section three hundred and fifty-seven is amended by adding to the end thereof the following : “Provided always that before any Alderman or Reeve shall act in the capacity of a Justice of the Peace for the city or county, he shall take the same oath of qualification, and in the same manner as is by law required for Justices of the Peace.”

Section 357 amended.

**39.** Section three hundred and seventy-one is amended by adding to the end of the first paragraph the following words :

Amendment of section 371.

“ And such salaries shall be paid half-yearly by the city and town municipalities respectively.”

**40.** Section three hundred and seventy-three is amended by adding the words “ upon, admit to bail, discharge prisoner, or otherwise act,” after the word “ adjudicate.”

Section 373 amended.

**41.** Section three hundred and ninety-seven is amended by striking out all after the word “ law” in the ninth line of oath.

Amendment of section 397.

**42.** Section four hundred and thirteen is amended, as follows :—

Section 413 amended.

Substitute the word “ may” for “ shall” in the third line, and substitute the word “ four” for “ two” in the third line. Strike out all after the word “ counties” in twelfth line, and substitute the following: “ or any city and one or more counties, or any town or one or more counties, may agree to have only one House of Industry or Refuge, for such united or contiguous counties, or city and counties, or town and counties, and maintain and keep up the same in the manner herein provided.”



Harbour, &c.

43. Sub-sections one, two, three and four, of section two hundred and ninety-six, are applicable to counties, as well as to cities, towns, and incorporated villages.

Power to exempt.

44. Every municipality shall have the power of exempting from taxation for any period not longer than five years, manufacturers of woollens, cottons, glass, paper, and such other commodities of the like nature.

Licenses for livery stables, cabs, &c.

45. The Council of any county, having county, gravel or macadamized roads within its jurisdiction, and under its immediate control, such roads being kept up and repaired by municipal taxation and upon which no toll is collected, shall have power to pass a by-law or by-laws authorizing the regulating and licensing of the owners of livery stables, and of horses, cabs, carriages, omnibuses and all other vehicles used or kept for hire, and for issuing and regulating teamsters' licenses, for regulating the width of tire used on such vehicles, for establishing the rates of fare that may be collected or taken by the owners or drivers, for enforcing the payment of such licenses, regulating rates of fare for the conveyance of goods or passengers, and for enforcing the width of tire that may be used on such vehicles, when travelling on the aforesaid county, gravel, or macadamized roads.

New sub.-sect.  
7 of sect. 196.

46. In lieu of sub-section seven of section one hundred and ninety-six, the following:—

“The ratepayers entitled to vote on any by-law for incurring a debt or raising money, which shall not be payable within the then current year, shall be such ratepayers only as are rated on the assessment-rolls for an estate of freehold, either legal or equitable, of sufficient value to entitle them to vote at any municipal election, or of a leasehold, the duration of which shall not be less than the period of time in which the debt to be contracted, or the money raised under such by-law is made payable, and in the lease for which leasehold the lessee covenants to pay municipal taxes, and the Clerk shall furnish the Returning Officer with a verified list of electors.”

New sub.-sect.  
8 of sect. 196.

47. In lieu of sub-section eight of section one hundred and ninety-six, the following:—

“Any ratepayer offering to vote on any such by-law, as in the next preceding sub-section mentioned, may be required by the Returning Officer, or any ratepayer entitled to vote on any such by-law, to make the following oath or affirmation before his vote is recorded:

“I, A. B., do solemnly and sincerely make oath, (or affirm, as the case may be,) that I am the person named, or purporting to be named, on the list of electors; that I am a leaseholder (or freeholder,

freeholder, as the case may be); that my lease extends for the period of time within which the debt contracted by the by-law now submitted to the ratepayers is made payable; that I have covenanted in such lease to pay all municipal taxes; and that I am, according to law, entitled to vote on the said by-law."

48. All Acts or parts of Acts inconsistent with the provisions of this Act, relating to the municipal institutions of Upper Canada, are hereby repealed.

Inconsistent enactments repealed.

### CAP. XXXI.

An Act to amend the Acts respecting Joint Stock Companies, for the construction of Roads and other Works, in Upper Canada.

*Assented to 4th March, 1868.*

**W**HEREAS, it is expedient to amend the eighty-seventh section of chapter forty-nine of the Consolidated Statutes of Upper Canada, relating to Joint Stock Companies, for the construction of Roads and other Works in Upper Canada, and the Acts amending the same: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Preamble.

Con. Stat. U. C.  
c. 49, s. 87  
amended.

1. Section eighty-seven, of Chapter forty-nine, of the Consolidated Statutes of Upper Canada, and the sixth Section of the Act passed in the twenty-ninth year of Her Majesty's reign, Chapter thirty-six, repealing said Section, are hereby repealed, and the following substituted in lieu thereof:

Con. Stat. U. C.  
c. 49, s. 87 and  
29 V. c. 36.  
s. 6 repealed.

1. If the Directors of the Company or Municipal Council, after the service of such notice, refuse or neglect to put the road into such repairs that Her Majesty's subjects and others may not be impeded or endangered travelling thereon, within the period limited in the notice, then, from and after the expiration of such period and until such repairs be completed, neither the Directors nor Council, nor any person authorized by them, shall demand or take any toll from any person travelling with or without any beast or vehicle, for passing through the nearest Toll Gates, on either side of the portion or portions of road so reported to be out of repair.

Notice to repair.

Tolls not to be taken while road out of repair.

2. In case the said Road Company or Municipal Council owning such road, as aforesaid, do not cause the portion or portions of the road so out of repair, as aforesaid, to be put in a proper state of repair, within three months next after the expiration

If Company do not repair after notice, tolls at certain gates not to be levied.

piration of the time fixed in the written notice to repair, so given by the Engineer in the manner provided in the said Act, the Road Company or Municipal Council, as the case may be, shall not demand or take any toll from any person travelling with or without beast or vehicle, for passing through the nearest two toll gates on or on either side of the portion or portions of the road so out of repair, under the penalty mentioned in the eighty-eighth section of the said Act, until the Engineer has again examined the Road, and certified it to be in good and efficient repair, and for every additional three months time respectively thereafter during which the said portion or portions of the said road shall not be put in a proper state of repair, to be certified by the Engineer or arbitrators in the manner provided herein, such Company or Municipal Council shall forfeit the right to demand or take toll for two additional toll gates, being those on either side of the toll gates in respect to which they had last before forfeited the right to take toll.

In case of question as to sufficient repair, Directors to appoint an arbitrator.

2. And, whenever the Directors of the Company or Municipal Council after the service of such notice, shall have put the road into such repair as that in their judgment Her Majesty's subjects are not impeded or endangered travelling thereon, and the Engineer refuses or neglects to accept the repairs as sufficient, or if the Directors or the Municipal Council are of opinion that the Engineer who has examined the road and certified or given notice that the same, or any part of it, is out of repair, ought not to have so certified or given notice, the Directors or Municipal Council may appoint an arbitrator, and give notice thereof in writing to the requisitionists upon whose application the order for examination of the road in question was issued, or to any two of them, calling upon them to appoint an arbitrator in the matter on their behalf, within six days after the service of such notice, and to notify the Directors or Municipal Council of such appointment; and in default thereof it shall be lawful for the Directors or Municipal Council themselves to appoint such second arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter: Provided always that in no case shall the Engineer, or a member of the Company or Council concerned be appointed or act as arbitrator; and provided further that a list of the requisitionists shall be furnished by the Judge upon a written request made to him by the Directors or Municipal Council.

In certain cases Judge to appoint third arbitrator.

3. If, after the two arbitrators have been appointed as afore-said, they fail or neglect for the space of six days to appoint a third arbitrator, the Judge of the County Court of the County within which such road lies, shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator.

Arbitration.

4. The arbitrators, before proceeding to try the matter of the



the arbitration, shall take and subscribe the following oath, (or in case of those who by law affirm, make and subscribe the following affirmation,) before any Justice of the Peace:

"I, A. B. do swear (or affirm) that I will well and truly try the matters referred to me by the parties, and a true and impartial award make in the premises according to the evidence, so help me God."

Oath to be taken.

Which oath or affirmation shall be filed with the award.

5. And the arbitrators shall within six days after the appointment of the third arbitrator, examine the said road and make an award in writing, that the road is in such repair that Her Majesty's subjects and others travelling thereon are not impeded or endangered; or if it be not in such repair they shall set forth specially what repairs are necessary to be made, and shall allow a reasonable time for so repairing the road, taking into consideration the facilities for obtaining the material to repair the road as required, and may permit the Directors of the Company or the Municipal Council to levy tolls while the repairs are being completed, as to them seems just and proper.

Arbitrators to examine the road and make their award.

6. The award shall be in duplicate, one copy whereof shall forthwith be filed in the office of the First Division Court of the County in which the said road, or the greater part of it, is, and the other copy shall be served upon the President of the said road Company or upon the Head of the Municipal Council, as the case may be; and the award of the said arbitrators, or of any two of them, shall be final and binding on all parties.

Award to be in duplicate.

7. And at the expiration of the period so fixed by them or sooner, if required by the Directors of the Company or Municipal Council, the arbitrators shall examine the road, and if the repairs are completed as by their award required, they shall deliver a certificate to that effect to the Directors of the Company or Municipal Council, or if they find the repairs not completed they may, if they consider it just, extend the time for the completion of the repairs so required to be done by the award from time to time to such period as they deem proper, and notice of such extension shall be given to the Directors of the Company or the head of the Municipality; and the arbitrators may permit the Directors or the Municipal Council to levy, or may prohibit them from levying tolls while the repairs are being completed, as to them seems just and proper.

Examination and delivery of the road to the Directors, &c.

8. And the arbitrators shall assess and award the payment of the costs of the arbitration, by the Directors of the road Company, or the Municipal Council, or the petitioners, or in such proportion

Costs of arbitration.

proportion as against one or all of them, as to the said arbitrators seems just, and shall file a copy of the award for such costs in the First Division Court of the County in which the road, or the greater part of it, lies, and the said award shall thereupon become a judgment of the said Court, and the payment of the costs may be enforced by execution in the same manner as a judgment of the said Court.

Difference between arbitrators.

**9.** In case of difference between the three Arbitrators, the decision of any two of them shall be conclusive.

Fees to arbitrators.

**10.** A fee, not exceeding four dollars per diem, for the time necessarily expended by them in the matter of the said Arbitration, shall be paid to each of the Arbitrators making the award, and shall be included in their award as part of the costs of the said Arbitration.

23 V. c. 54.  
s. 2. amended.

**11.** The second section of the Act passed in the twenty-third year of Her Majesty's reign, chapter fifty-four, is hereby amended by striking out of said section the words, "to his satisfaction."

Company may acquire gravel beds, &c.

**12.** The Directors of the Company or Municipal Council may acquire, take, and hold any gravel bed, and may take and carry away stone or gravel from any lands lying within the township through or along which their road, or any portion thereof passes, for repairing the same, subject to arbitration in the manner provided in chapter forty-nine of the Consolidated Statutes of Upper Canada, in case the owner of the gravel bed or materials cannot agree with the Directors or Council as to the compensation to be paid therefor.

Proviso for arbitration, Cons. Stat. U. C. c. 49.

Notwithstanding  
ing 28 Vic. 23 s.  
1, the interests  
of Companies  
may be sold  
under execu-  
tion.

**13.** Notwithstanding the provisions of the first section of the Statute of the late Province of Canada, passed in the twenty-eighth year of Her Majesty's reign, intituled "An Act further to amend the Act respecting Joint Stock Companies for the Construction of Roads and other works in Upper Canada," the right and interest of any Joint Stock Road Company in or to any road or any part or parts thereof now or hereafter under the operation of said Section, may be sold under execution upon any judgment now or hereafter recovered against such Company, although the six months mentioned in said section shall have expired before such sale, or shall expire thereafter.

If purchaser  
repay Council  
as mentioned  
in 28 V. c. 23,  
s. 3, the road  
and right to  
collect toll to  
become vested.

**14.** The purchaser at such sale may, at any time within two years from the time of such sale, reimburse and pay to the Municipal Council mentioned in the third section of the said Statute all outlay made by the latter for the repair and maintenance of such road, or the part or parts thereof so purchased subsequently to the expiration of the said period of six months; and thereupon the head of such Municipal Council shall grant to the

the said purchaser a certificate to that effect, under his hand and the seal of the said Council, and upon, from and after the registration of such certificate in the Registry Office for the County or Riding in which such road or any part thereof is situate, such road, or the part or parts thereof so purchased shall become vested in and be the property of such purchaser, and the provisions of the said last mentioned Statute shall thenceforth cease to apply to or in respect of said road, or the part or parts thereof so purchased, as aforesaid, and the purchaser shall have the same right to collect tolls and all such other rights and privileges, and be subject to the same duties and obligations in respect to the said road, or the part or parts thereof so purchased, as if the said sale had taken place before the right to collect tolls had been suspended.

15. All Acts and parts of Acts inconsistent with any of the provisions of this Act are hereby repealed. Inconsistent  
Acts repealed.

## CHAP. XXXII.

An Act to amend Chapter fifty-two of the Consolidated Statutes of Upper Canada, intituled "An Act respecting Mutual Insurance Companies."

[Assented to 4th March, 1868.]

WHEREAS it is expedient to amend Chapter fifty-two of the Consolidated Statutes of Upper Canada, respecting Mutual Insurance Companies: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

Preamble.

Con. Stat. U. C  
c. 52 amended

1. The Board of Directors of any Mutual Fire Insurance Company may annually elect one of their number as Vice-President, who, in the absence of the President, shall perform all the duties and the functions of the President; and in the event of the absence of both of said officers, the Board may appoint from among their number a person temporarily to preside at their meetings, and to perform the duties of such President and Vice-President; and all acts heretofore done by any one as Vice-President of any Mutual Insurance Company shall be as valid, and of the same force, as if done by the President of the Company.

Election of a  
Vice-President

2. Whenever an Assessment is made on any premium note given to any Mutual Insurance Company for any risk taken by the Company, or as a consideration for any policy issued or to be issued by the Company, and an action is brought to recover such assessment, the Certificate of the Secretary of the

Certificate of  
the Secretary  
to be *prima  
facie* evidence.



the Company, specifying such assessment and the amount due to the Company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all Courts and places whatsoever.

Cash premium  
not to form  
part of assess-  
ment.

3. The cash premium paid at the time of insurance shall in no case be held to be part of the annual assessment.

Re-insurance.

4. The Directors of any Mutual Insurance Company may make arrangements with any other Mutual Insurance Company for the re-insurance of risks on such conditions with respect to the payment of premiums thereon as may be agreed upon between them.

Persons paying  
cash premiums  
not further  
liable.

5. When Policies of Insurance are issued, and Premiums in cash collected thereon, for periods of one year, as by law provided, the persons so paying in cash shall not be liable to any further charge or assessment whatever; nor shall they be held to be members of the said Company in any respect, unless so constituted by the by-laws of the company.

Reserve Fund.

6. The Company may form a reserve fund to consist of all moneys which shall remain on hand at the end of each year after payment of the ordinary expenses and losses of the said Company, and for that and for other purposes of the Company, the Directors may levy an annual assessment on the premium notes held by said Company, and such reserve fund may, at the option of the Directors, be applied either to pay off the Guarantee Stock, if any, of the said Company, or to pay such other liabilities thereof as cannot be provided for out of the ordinary receipts for the same or any succeeding year; Provided that such reserve fund shall be invested in debentures or other securities of the Government of the Dominion of Canada, or in real estate, for their actual use and occupation only.

Application  
thereof.

Investment  
thereof.

Renewal of  
Debentures, &c.

7. It shall be lawful for any Mutual Insurance Company to renew any debentures, promissory notes, bills or drafts which it may have issued, for any term or terms not exceeding one year; Provided always, that the indebtedness created by the original debentures, promissory notes, bills or drafts shall within two years from the creation of such indebtedness be paid off as provided by chapter fifty-two of the Consolidated Statutes of Upper Canada, section sixty.

Proviso.  
Con. Stat. U.C.  
c. 52, s. 60.

Notices of as-  
sessment.

8. In addition to the notices, now required to be published, it shall be the duty of every Mutual Insurance Company to mail to the person assessed, at his or her Post Office address, (as given at the time of the Insurance being affected or thereafter,) a notice containing the particulars of the assessment against such person.

9. Every Mutual Insurance Company shall make, and furnish, to the Lieutenant-Governor, and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first Session, in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities, shewing :—

Annual statement required.

1. The cash in hand.
2. The amount and value of real estate.
3. The amount on bonds and mortgages.
4. The amount in public debt or other stock.
5. The amount not then assessed of premium notes.
6. The amount assessed of premium notes and unpaid.
7. The amount of risks outstanding.
8. The amount of losses unpaid.
9. The amount due by the Company on securities given by it.

10. All portions of the said Act, which are inconsistent herewith, are hereby repealed.

Inconsistent acts repealed.

### CAP. XXXIII.

#### An Act to Protect Butter and Cheese Manufacturers.

[Assented to 4th March, 1868.]

WHEREAS it is expedient and necessary to encourage and protect Butter and Cheese Manufacturers in this Province: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

Preamble.

1. Whosoever shall knowingly and fraudulently sell, supply, bring, or send to be manufactured to any cheese or butter manufactory in this Province, any milk diluted with water, or in any way adulterated, or milk from which any cream has been taken, or milk commonly known as "skimmed milk," or whoever shall keep back any part of the milk known as "strippings," or whoever shall knowingly and fraudulently sell, send, bring or supply milk to any cheese or butter manufactory that is tainted or partly sour from want of proper care in keeping pails, strainers, or any vessel in which said milk is kept, clean and sweet, after being notified of such taint or carelessness, either verbally, or in writing; or any butter or cheese manufacturer who shall knowingly and fraudulently use, or direct any of his or her employees to use for his, her, or their individual benefit, any cream from the milk brought to any cheese or butter manufactory without

Fraudulent supply.

Fraudulent use by employees, &c.

out the consent of all the owners thereof, shall, for each and every offence, forfeit and pay a sum not less than one dollar nor more than fifty dollars, in the discretion of the presiding Justices before whom the case shall be heard.

Penalty.

Conviction and  
levy.

2. Any two or more Justices of the Peace, having jurisdiction within the locality where the offence has been committed, may hear and determine such complaint upon the oath of one or more credible witnesses, and shall have power, in case the penalty and costs awarded by them be not forthwith paid upon conviction, to levy the same by distress and sale of the goods and chattels of the offender by warrant under their hands and seals or the hands and seals of any two of them and the penalty, when recovered, shall be paid over by such Justices, one-half to the person complaining, and one-half to the Treasurer of the Municipality, District or place where the offence shall have been committed; and in default of payment or sufficient distress the offender may, by warrant signed and sealed as aforesaid, be imprisoned in the Common Gaol for a period not less than one day nor more than twenty days, at the discretion of such Justices, or any two of them, unless such penalty, costs, and the charges of commitment be sooner paid.

In default of  
distress im-  
prisonment.

Civil remedy.

3. Any party aggrieved by such fraudulent conduct as aforesaid may at his or their election sue the offender in any Civil Court of competent jurisdiction and recover from him the amount of damages sustained, and levy the same with the costs according to the ordinary practice of the Court in which such suit shall be brought.

Proviso, as to  
Justices in-  
terested.

4. Provided, always, that no Justice or Justices having any pecuniary interest in any such Butter or Cheese Manufactory, as aforesaid, shall hear or determine any such complaint.

Con. Stat. U. C.  
c. 114, right of  
appeal.

5 In case of summary proceedings under this Act, any person, complainant or defendant, shall have the right of appeal as provided in chapter one hundred and fourteen of the Consolidated Statutes of Upper Canada.

## CAP. XXXIV.

An act to authorize and regulate the use of Traction  
Engines on Highways.

[Assented to 4th March, 1868.]

Preamble:

WHEREAS it is expedient to encourage the introduction of Traction Engines into this Province, and to regulate their



their use and operation : Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. It shall and may be lawful for any person to employ Traction Engines for the conveyance of freight and passengers, or both, over any public highway in this Province, subject to the provisions hereinafter contained. Traction Engines on highways.

2. No Traction Engine, so to be employed, shall exceed in weight twenty tons. Weight.

3. The Speed of any Traction Engine shall at no time exceed the rate of six miles per hour, and in cities, towns, and incorporated villages, the rate of three miles per hour. Speed.

4. Before it shall be lawful to run such Engine over any highway whereon no tolls are levied, it shall be the duty of the person proposing to run the same to strengthen, at his own expense, all bridges and culverts to be crossed by such Engine, and to keep the same in repair so long as the highway is so used ; Provided always that the costs of such repairs are to be borne by the different owners of engines in proportion to the number of engines run over such bridges or culverts. Parties running Engines to strengthen bridges, &c.  
  
Owners of different Engines to contribute.

5. The width of the driving wheels of all such engines shall be at least twelve inches, and the wheels of the trucks or waggons drawn thereby, shall be four inches in width for the first two tons capacity, load and weight of truck included, and an additional half inch for each further ton. Width of wheels.

6. The provisions of Chapter fifty-six of the Consolidated Statutes of Upper Canada, relating to the meeting and passing of vehicles on the public highways, shall be applicable to the running of any Traction Engine upon the highway. Chap. 56 Con. Stat. U. C. applicable.

7. In case of any difficulty, or the prospect of any difficulty in the meeting or passing of an engine upon the highway by any mounted horseman, or vehicle, it shall be the duty of the engine-driver to stop the engine, and in every reasonable way to assist such mounted horseman or the person in charge of such vehicle, to pass the engine. Horsemen or Vehicles meeting or passing, Engine to stop.

8. Every engine run after dark shall carry a bright, red light in a conspicuous place in front and a green light on the rear of the train. Lights to be carried after dark.

9. No engine shall be run through a City, Town or Village unless a messenger be sent at least fifteen and not more than thirty rods in advance, carrying a red flag by day and a bright, red light by night. Running through a City, Town, &c.

Traction Engines may be excluded from certain streets but not entirely from passing through a municipality.

**10.** In case the Municipal corporation of any city or town shall deem it necessary to exclude traction engines from the right to pass through any particular street or streets within the Municipality, it shall be lawful for such Corporation to apply to the Judge of the County Court of the County within which the Municipality is situated, and such Judge shall direct notice to be given to the owner of the engine, and upon the return of such notice may, in his discretion, make or refuse an order to prevent or regulate the running of Engines upon certain streets ; Provided always, that it shall not be lawful under this section so to exclude the Engines from any streets, as entirely to prevent their passage through the Municipality by the then existing opened streets.

Notice before use of Toll Roads.

**11.** Before it shall be lawful to run a Traction Engine over any highway upon which a toll is established, it shall be the duty of the person proposing to run the same, to leave a notice in writing, to that effect, with the keeper of any toll-gate on such road, at least two months previous to the running of such Engine, and such notice shall also contain a correct statement of the weight of the heaviest Engine proposed to be used.

Owners of Toll Roads to strengthen bridges, &c.

**12.** The owner or owners of such Toll Roads, within two months after the delivery of such notice as aforesaid, and upon receiving security to the amount of the cost of required improvements, may cause all bridges and culverts, upon the said road to be so strengthened, as in the opinion of the County Engineer of the County in which any such bridge or culvert may be situated, shall render the same safe for the constant passing of such Engines.

If they do not, owners of Engines may do the work to be reimbursed out of Tolls.

**13.** In the event of the owners of such Toll Roads neglecting or refusing to comply with the requirements of the last preceding section, it shall be lawful for the parties about to run such Engines themselves to do the necessary work at their own expense ; Provided always, that such works shall be performed to the satisfaction of the County engineer or other officer appointed for that purpose by the municipality within which such highway or the greater part thereof is situated ; such outlay to be re-paid to them by the remission of tolls upon the passage of Engines and trains through the gates upon such road, until the whole of such outlay shall be repaid.

Tolls.

Proviso—for arbitration.

**14.** The owners of such Toll Roads may levy such tolls as may be imposed by them upon the passage of any Engine or truck through every lawful gate ; Provided, that if the owner of the Engine is dissatisfied with the rate of toll, the same may be referred to the decision of three Arbitrators, one of whom, shall be nominated by the owner of the Engine, and one by the proprietors of the road, and the two so appointed shall choose a third, and the decision of the said Arbitrators or the majority of them shall be binding ; and in the event of the two arbitrators

tors first appointed as aforesaid, failing or neglecting, within one month, to appoint a third arbitrator as herein provided, then the appointment of such third arbitrator may be made by the County Judge of the county within which the said tolls are to be collected.

**15.** It shall be lawful for the owners of any such road to enforce the payment of the aforesaid tolls in the manner provided by law for the collection of the ordinary tolls upon such roads. Collection of tolls.

**16.** Section one of the forty-ninth Chapter of the Consolidated Statutes of Upper Canada shall apply to Companies established for manufacturing or purchasing Traction Engines, and working the same. Con. Stat. U. C., c. 49, s. 1, to apply.

**17.** If any person contravenes this Act, and such contravention be duly proved by the oath of one credible witness before any Justice of the Peace, having jurisdiction within the locality where the offence has been committed, the offender shall incur a penalty of not less than five dollars, nor more than twenty-five dollars, in the discretion of such Justice, with costs. Penalty for contravening Act.

**18.** If not paid forthwith, the penalty and costs shall be levied by distress and sale of the goods and chattels of the offender under a warrant signed and sealed by the convicting justice, and the overplus, if any, after deducting the penalty and costs and charges of sale shall be returned, on demand, to the owner of such goods and chattels. To be enforced by distress.

**19.** In default of payment or distress, the offender shall, by warrant signed and sealed, as aforesaid, be imprisoned in the common Gaol for a period of not less than one day nor more than twenty days, at the discretion of the Justice, unless such fine, costs and charges be sooner paid. Or by imprisonment.

**20.** No such fine or imprisonment shall be a bar to the recovery of damages by the injured party before any Court of competent jurisdiction. Recovery of damages.

**21.** Every fine collected under this Act shall be paid to the Chamberlain or Treasurer of the local municipality in which the offence was committed, and shall be applied to the general purposes thereof. Application of fines.

**22.** Any conviction under this Act may be appealed in the manner provided in the Act respecting appeal in cases of summary convictions. Appeal.



## CAP. XXXV.

## An Act to provide for the organization of the Territorial District of Muskoka.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS it is desirable, in consideration of the great increase in the population and the rapid growth of settlements in the remote portions of the Counties of Simcoe and Victoria, and the unorganized territory adjacent thereto, that provision shall be made for the more ready and convenient Administration of Justice, and for the registration of deeds and Instruments relating to lands in that part of this Province; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Lieutenant-Governor may erect certain townships and unorganized tracts into a temporary judicial district, to be called the district of Muskoka.

**1.** The Lieutenant-Governor in Council, may, by Proclamation, declare that from and after a day to be named therein, the Townships of Morrison, Muskoka, Monck, Watt, Cardwell, Humphrey, and the unorganized territory lying between the Southern boundary of Humphrey, and the River Severn, and bounded on the West by the Western boundary line of Humphrey produced or extended Southerly in a direct line to the River Severn, shall, for the purposes of this Act, be detached from the County of Simcoe; and that the Townships of Ryde, Draper, Macaulay, Stephenson, Brunel, McLean, and Oakley shall be detached from the County of Victoria, and from the temporary Judicial District of Nipissing; and that the said townships and territory shall, for the purposes of this Act, be and form one territorial District or division, by the name of the District of Muskoka.

Stipendiary magistrate may be appointed.

**2.** The Lieutenant-Governor may, from time to time, appoint in and for the said territorial District, a fit and proper person to be Stipendiary Magistrate thereof, who shall hold office during pleasure, and exercise, within such District, the Magisterial, Judicial and other functions hereinafter expressed or provided, and who shall reside in such place within the said District as the Lieutenant-Governor may direct.

Salary of such magistrate.

**3.** Every such Stipendiary Magistrate shall be paid out of the Consolidated Revenue Fund in this Province, the yearly sum of one thousand dollars, to be paid quarterly, on the first days of January, April, July and October, in each year, by equal portions; and may moreover have and take, to his own use, the fees authorized to be taken by Justices of the Peace or by their clerks, in cases of summary convictions.

Con. Stat. U.C. c. 128, s. 5 and ss. 7, to 88 to

**4.** The provisions of the fifth, seventh, and following clauses, down to clause number eighty-eight inclusive, of chapter

chapter one hundred and twenty-eight, of the Consolidated Statutes of Upper Canada, intituled "An Act respecting the administration of Justice in Unorganized tracts," shall extend and apply to the said District of Muskoka, in the same manner and with the like effect, as if they and each of them were here inserted and re-enacted, and made applicable in express terms, to the said District of Muskoka, with the substitution of the words "Lieutenant-Governor," for the word "Governor;" the word "Ontario," for the words "Upper Canada;" the words "the said territorial District," for the words "such temporary Judicial District," "his temporary Judicial District," "the temporary Judicial District," "each temporary Judicial District," "any temporary Judicial District," or "every temporary Judicial District;" the words "Commissioner of Agriculture and Public Works," for the words "Commissioner of Public Works;" the words "the District of Muskoka," for the words "the temporary Judicial District of \_\_\_\_\_;" the words "Treasurer of the Province," for the words "Minister of Finance;" the word "District," for the words "unorganized Country;" wherever the same occur in the said clauses, or any of them.

apply, with certain substitutions.

5. The Lieutenant-Governor in Council may, from time to time, appoint fit and proper persons to be and act as Justices of the Peace in and for the said territorial District of Muskoka; and it shall not be necessary for any such Justices of the Peace to possess any property qualification whatever, or to be a stated resident within the said territorial District.

Justices of the Peace may be appointed, Qualification, &c., not necessary.

6. The Justices of the Peace appointed under this Act shall have, hold and exercise all and any of the powers and authority, and be subject in all respects (except as to any matters incident to the residence or property qualification, required in cases not within the meaning of this Act) to the requirements of the laws in force in this province, respecting the office of Justice of the Peace, in so far as the same may be applicable to the persons appointed under this Act, and not inconsistent with the removal of the restrictions hereby intended.

Authority of such Justices.

7. Whenever, in the exercise of the powers and authority aforesaid, any Justice of the Peace, appointed under this Act, causes any person to be committed to prison, such Justice may cause such person to be committed to the common Gaol of the said territorial District, and the keeper of the said Gaol shall receive such person, and him safely keep and detain in such common Gaol, in his custody, until discharged in due course of law, or bailed in cases in which bail may be taken.

Justices may make commitments to the Gaol of the territorial district.

8. In all cases, under the requirements aforesaid, in which an appeal lies to a Court of General Quarter Sessions of the Peace, such appeal shall lie to, and may be brought before, and heard and determined by, the Court of General Quarter Sessions

All appeals to be to the Quarter Sessions of the County Simcoe.

Sessions of the Peace for the County of Simcoe, and shall be claimed and allowed and exercised, at any time within six months from and after the day of the date of conviction.

Registrar of deeds may be appointed.

**9.** The Lieutenant-Governor in Council may appoint a Registrar of Deeds, in and for the said territorial District, who shall hold office during pleasure, and shall register all deeds and other conveyances and instruments relating to lands, situate in any part of the said territorial District, and laid out and surveyed by the crown.

Office, duties and fees of Registrar.

**10.** The said Registrar shall keep his office in a place to be named for that purpose in his commission, or at such other place as may be appointed from time to time by the Lieutenant-Governor in Council, and his duties shall be the same as the duties of other Registrars under the Registry laws of this province; and his fees shall be the same as those appointed and established by such Registry Laws.

Certain Registrars to transfer books, deeds, &c.

**11.** The Registrars of the temporary Judicial District of Nipissing, of the County of Victoria, and of the County of Simcoe respectively, when thereunto required by the Lieutenant-Governor, shall transfer and deliver to the Registrar of the said District of Muskoka all books, deeds, papers, plans and documents in their possession respectively as such Registrars referring or relating exclusively to any lands within the said District of Muskoka; and all the provisions of the Registry Laws of this Province relating to the transfer of books, deeds, memorials, plans, wills and other documents or instruments from one Registry Office to another Registry Office, when a part of a county has been detached therefrom and set apart for registration purposes, shall apply to the establishment of the said Registry Office in the said District of Muskoka.

Registry Laws to apply.

Commissioners for taking affidavits.

**12.** The Superior Courts at Toronto, may from time to time appoint commissioners for taking affidavits and recognizance of bail, in and for the said territorial District, and the Queen's Writs shall run and may be executed in any part of the said District.

Schedule appended to Con. Stat. U.C. c. 128 to apply, with substitutions.

**13.** All the schedules appended to the said Act, intituled, "An Act respecting the administration of Justice in unorganized tracts," are adopted and are to be regarded and construed as appended to this Act; with the same substitution of one word for another word, and of one set of words for another set of words, as is hereinbefore provided in respect of the several clauses of the said act which are adopted and embodied in and made part of this Act.

For certain purposes, District to remain as before this Act.

**14.** For all Municipal purposes, for the purpose of representation in the Legislative Assembly, and for the administration of Civil and Criminal Justice, in all cases not provided for by this Act, the said townships and territory composing the



the said District of Muskoka, shall remain as before the passing of this act.

**15.** The Lieutenant-Governor in Council may from time to time, by Proclamation, detach any other township or territory from the said temporary Judicial District of Nipissing, and annex the same to the said territorial District of Muskoka, and may also by any subsequent Proclamation declare that the said District of Muskoka, with or without any other territory, shall from a day to be mentioned in such last mentioned Proclamation, constitute and form a Provisional Judicial District, under the provisions of the ninety-second clause of the said chapter one hundred and twenty-eight of the Consolidated Statutes of Upper Canada.

Lt.-Gov. may annex other territory, and may erect said District into a Provisional Judicial District under Con. Stat U C, c. 128, sec. 92.

## CAP. XXXVI.

An Act to impose a tax upon all Patented Lands situate in the Provisional District of Algoma, and to provide means for the collection thereof.

[Assented to 4th March, 1868.]

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1.** An annual tax of two cents per acre to and for the public uses of this Province, for and during the year one thousand eight hundred and sixty-eight, and for and during every year thereafter, shall be and is hereby imposed upon all lands granted, or hereafter to be granted by the Crown, situate in the Provisional District of Algoma.

An annual tax of two cents per acre imposed upon all land granted in Algoma.

**2.** The Commissioner of Crown Lands shall, on or before the first day of June next, after the passing of this Act, transmit to the Treasurer of the Province a list of all lands situate within the said Provisional District of Algoma, which have been granted by the Crown previous to the first day of January, one thousand eight hundred and sixty-eight, specifying in such list, the number or letter by which each lot or parcel of such land is or may be designated in the patent therefor, and when such lot or parcel of land is not designated in the patent therefor, by any number or letter, then defining the same by some general designation or description, indicating the locality thereof, and referring for a more particular description thereof to the patent therefor, and stating the date of such patent and the name of the grantee therein.

Com. Crown Lands to transmit list of such lands to Treasurer.

With number or description of each lot.

The quantity of land in each lot is to be taken as correctly stated in the lists.

3. Every such list shall contain a statement of the quantity of land contained in each lot or parcel of land so granted within the said Provisional District of Algoma, and for the purposes of this Act, the quantity specified in such list shall be held and regarded as the true and actual quantity or measurement of land contained in each such lot or parcel, and shall form the basis upon which the said tax or rate shall be computed.

Similar list to be furnished annually.

4. The Commissioner of Crown Lands shall, in like manner, on or before the first day of April in each subsequent year, transmit to the Treasurer of the Province a similar list of all lands granted in the said Provisional District of Algoma, during the year ending on the thirty-first day of December then last past.

Lists to be signed by the Com. or Assistant-Com.

5. Every such list shall be certified under the hand of the Commissioner of Crown Lands for the time being, or the Assistant-Commissioner, and shall contain such statement of all the particulars relating to each lot or parcel of land as hereinbefore set forth.

Treasurer to keep books in which lists to be entered.

6. The Treasurer of the Province shall provide a book or books, to be kept in his office, in which he shall, on or before the first day of July next enter and set down all the said lands mentioned and specified in the said list first mentioned, and opposite each lot or parcel the quantity of land contained in each lot or parcel respectively.

And to set down the amount of tax against each lot.

7. On or before the first day of July next, the Treasurer of the Province shall also set down in the said book or books, against each lot or parcel of land, the amount of the tax against such lot or parcel for one year, computed at the said rate of two cents per acre, and each lot or parcel shall thereupon be and become subject to the payment of the amount so set down against the same respectively.

The amount so set down to be the tax for one year, ending 31st December.

8. The amount so set down against each lot or parcel of land as last aforesaid, shall be and shall be regarded as the tax imposed by this Act upon the same, for the year ending on the thirty-first day of December then next.

Treasurer to enter the lands mentioned with annual lists.

9. The said Treasurer of the Province shall also, on receipt by him of the said annual list, and on or before the first day of July in each year after the present year, enter and set down in like manner in such book or books all the lands mentioned and specified in such last mentioned lists respectively, and granted by the Crown during the year ending on the thirty-first day of December then last past, with the quantity of land contained in each lot or parcel as hereinbefore directed, and also the amount of the tax against such lot or parcel for one year, computed at the rate of two cents per acre, which shall be, and shall be regarded as the tax imposed upon each such last mentioned lot or parcel,

And one year's taxes.

parcel, for one year, ending on the thirty-first day of December then next; and every such last mentioned lot or parcel shall thereupon be and become subject to the payment of the amount so set down against the same respectively.

**10.** The Treasurer of the Province shall also, between the first day of January and the first day of April, in every year after the present year, make up and ascertain, as against every lot or parcel of land so set down in his said book or books, the arrears of taxes, if any, due thereon, on the thirty-first day of December, in the preceding year, and still unpaid, and shall bring forward the same with ten per cent. added thereto; and he shall also ascertain and enter against the said lots or parcels respectively, the taxes payable for the year ending on the thirty-first day of December then next, and he shall add the said arrears, if any, and the said ten per cent. thereon, and the amount of the taxes for the said then current year together, and bring forward the total amount thereof in another column; which said last-mentioned amount shall constitute the taxes then due upon every such lot or parcel of land under the authority of this act.

Annual account to be kept against each lot, and ten per cent added to arrears.

**11.** Whenever any portion of the taxes, so ascertained, made up, and entered, as aforesaid, has been due for three years, the Treasurer of the Province shall issue a warrant under his hand and seal, directed to the Sheriff of the said Provisional District of Algoma, or to the Sheriff of the County of York, as the Treasurer may elect, commanding him to sell the land for the arrears of taxes then due thereon, with costs.

When taxes 3 years in arrear Treasurer to issue warrant to Sheriff of Algoma to levy the same

**12.** After the issuing of such warrant, the said Treasurer shall receive no payment on account of the sums mentioned in the said warrant.

Treasurer not to receive payment after issuing warrant.

**13.** Immediately upon the receipt of the warrant, the Sheriff shall prepare a list of all the lands included therein, and of the amount of arrears of taxes due on each lot or parcel, as stated in the warrant, and shall cause such list to be published, twelve consecutive times, in the *Ontario Gazette*, and for a like period in some newspaper, published in the said Provisional District, if any such there be, and in some newspaper published in the City of Toronto.

Sheriff to make lists showing arrears &c., and publish the same.

**14.** The advertisement shall contain a notification that unless the said arrears are sooner paid, the Sheriff will proceed to sell the lands for taxes, on a day to be named in the advertisement.

Notification of sale.

**15.** The day of sale shall not be less than three months, nor more than six months, after the first publication of the list in the *Ontario Gazette*.

Day of sale.



Notice in  
Court House.

**16.** The Sheriff shall also post a notice similar to such advertisement, on some convenient and public place, at the Court House of the said Provisional District, at least three weeks before the time of the sale.

If no bidders  
sale to be ad-  
journed.

**17.** If, at the time appointed for the sale, no bidders appear, the Sheriff may adjourn the sale from time to time.

Cost of publi-  
cation.

**18.** The Sheriff shall, in each case, add to the arrears so published a proportionate share of the cost of publication, according to their amounts respectively.

If taxes not  
previously paid  
lands to be sold.

**19.** If the taxes shall not have been previously paid or tendered, the Sheriff shall sell by public auction, on the day appointed for the sale, so much of the land as may be necessary and sufficient to discharge the taxes, and all lawful charges incurred in and about the sale and collection of the taxes, selling in preference such part as he may consider it most to the advantage of the owner to sell first.

If purchase  
money not paid  
lands to be put  
up again for  
sale.

**20.** If the purchaser of any parcel of land fails, on demand, to pay the Sheriff the amount of the purchase money, the Sheriff may forthwith again put up the property for sale, and sell the same.

Sheriff to give  
purchaser a  
certificate of  
the land sold.

**21.** The Sheriff, after selling any land for taxes, shall give a certificate under his hand to the purchaser, stating distinctly what part of the land has been sold, and describing the same, and also stating the quantity of land sold, the sum for which it has been sold, and the expenses of the sale, and further stating that a deed conveying the same to the purchaser or his assigns, will be executed by the Sheriff, on his or their demand, at any time, after the expiration of one year, from the date of the certificate, if the land be not previously redeemed.

Purchaser to  
be deemed the  
owner for cer-  
tain purposes.

**22.** The purchaser shall, on receiving the Sheriff's certificate or sale, become the owner of the land, so far as to have all necessary rights of action and powers for protecting the same from spoliation, or waste, until the expiration of the term, during which the land may be redeemed; but he shall not knowingly permit any person to cut timber growing on the said land, or otherwise injure the land, nor shall he do so himself, but he may use the land without deteriorating its value.

On tender by  
owner of taxes  
purchaser's  
rights to cease.

**23.** From the time of payment to the Sheriff of the full amount of the redemption money, required by this Act, the said purchaser shall cease to have any further right in, or to use the land in question.

Sheriff to make  
return.

**24.** Within one month after the sale the Sheriff shall make a detailed return to the Treasurer of the Province, of each separate parcel of land included in the said warrant, and shall pay over to him the money.

**25.** The said Sheriff shall be entitled to five per cent. commission upon the sums collected by him, under such warrant, and he may also receive the sum or fee of one dollar for the sale of each separate parcel actually sold by him, and the Sheriff may add the said commission and fee to the amount of arrears included in the Treasurer's warrant on those lands, in respect to which such services have been respectively performed.

Sheriff's commission on.

**26.** If the Sheriff cannot give a sufficient description of any lands sold by him without a search in the Registry Office of the said Provisional District of Algoma, he shall, in addition to the charge hereinbefore authorized, be entitled to charge the fee for the necessary search.

The Sheriff may add fee for searching Registry Office

**27.** Except as hereinbefore provided the Sheriff shall not be entitled to any other fee or emolument whatever for any service rendered by him, relating to the collection of arrears of taxes on lands under the provisions of this Act.

No other charge or fee allowed.

**28.** Where any lands in the said Provisional District of Algoma, for which a patent has been or may hereafter be issued, shall have been sub-divided, the owner of any portion thereof may tender and pay to the Sheriff the arrears of taxes upon the portion of which he may be owner, and the costs incurred in respect thereof, and thereupon such portion shall be exempted and withdrawn from sale.

Owner of any sub-division may pay taxes on his portion, and such portion shall not be sold.

**29.** The owner of any land which may be sold for taxes under the provisions of this Act for non-payment of taxes thereon, his heirs, executors, administrators or assigns may at any time within one year from the day of sale (exclusive of that day) redeem the land sold by paying to the Sheriff, for the use and benefit of the purchaser or his legal representatives, the sum paid by him, together with ten per cent. thereon, and the Sheriff shall give the party, paying such redemption money, a receipt, stating the sum paid, and the object of payment, and such receipt shall be evidence of redemption.

Owner may redeem within one year.

**30.** If the land be not redeemed, within the period so allowed for its redemption, being one year exclusive of the day of sale, as aforesaid, then on the demand of the purchaser or his assigns, or other legal representatives, at any time afterwards, and on payment of one dollar, the Sheriff shall execute and deliver to him or them a deed of sale of the land sold.

If not redeemed purchaser entitled to a deed.

**31.** Such deed shall state the date and cause of the sale, and the price, and shall describe the land sold by its situation, boundaries and quantity, and shall have the effect of vesting the land in the purchaser, and his heirs and assigns in fee simple, free and clear of all charges and incumbrances thereon, except taxes accrued since those for non-payment whereof it was sold.

Particulars to be inserted in the deed and its effect.

Certificate to be given for registry, its effect &c.

**32.** The Sheriff shall also give to the purchaser, or his assigns or other legal representatives, a certificate under his hand and seal of office, of the execution of the deed, stating the name of the purchaser, the sum paid, the number of acres sold, the lot or tract of which the same forms a part, and the date of the Sheriff's conveyance to the purchaser; and on the production of the said deed and such certificate to the Registrar of the said Provisional District of Algoma, such certificate shall be deemed a memorial thereof, and the same shall be registered without further proof, and a certificate of the registry shall be granted by the Registrar, for which registry and certificate the Registrar shall be entitled to the sum of seventy-five cents and no more.

Sheriff shall keep a book in which the particulars of all sales shall be entered.

**33.** The Sheriff shall enter in a book, to be kept by him as such Sheriff, a full description by metes and bounds of every parcel of land conveyed by him to purchasers for arrears of taxes, with an index thereto, and such book, after such entries therein have been made by him, shall be kept by him amongst the records of his office.

Taxes payable at Treasurer's office in Toronto, on 1st Oct., but may appoint agents in Algoma to receive the same.

**34.** The taxes imposed by this Act, shall be payable at the office of the Treasurer of the Province, in the City of Toronto; and for the purposes of this Act shall be considered to be payable on the first day of October, in each year; Provided however, that the Treasurer may appoint one or more agents resident in the said District of Algoma, to receive the said taxes, or any part or portion thereof, and payment to such agent or agents so authorized, shall be considered payment to the said Treasurer.

## CAP. XXXVII.

### An Act respecting Dentistry.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS the profession of Dentistry is extensively practised in the Province of Ontario, and whereas it is expedient for the protection of the public, that there should by enactment be established a certain standard of qualification required of each practitioner of the said profession, and that certain privileges and protection should be afforded to such practitioners: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Incorporation by name.

**1.** The persons named in Section two of this Act shall be incorporated and known as the "Royal College of Dental Surgeons of Ontario."



2. Until other persons be elected as hereinafter provided, Barnabas W. Day, of the City of Kingston, M. D.; Curtis Strong Chittenden, of the City of Hamilton; Henry Tunstall Wood, of the Town of Picton; John O'Donnell, of the Town of Peterborough; Joseph Stuart Scott, of the City of Toronto, M. D.; Franklin Goodrich Callender, of the Town of Cobourg; George Van Nest Relyea, of the Town of Belleville; Antoine Denmark Lalonde, of the Town of Brockville; Charles Kahn, of the Town of Stratford, and James Bogart Meacham, of the Town of Brantford, and George L. Elliot of the City of Toronto, and John Leggo of the City of Ottawa, shall be trustees and a Board of Examiners, of whom five shall be a quorum, to examine and grant certificates of license to practice Dental Surgery in this Province.

Provisional Board of Trustees and Examiners.

Quorum.

3. The Board of Directors to be elected, as hereinafter mentioned, shall consist of twelve members, who shall hold office for two years; any member may at any time resign by letter directed to the Secretary, and in the event of such resignation, or a vacancy occurring by death or otherwise, the remaining members of the Board shall elect some fit and proper person from among the licentiates to supply such vacancy.

Directors to hold office for two years.

Vacancies.

4. The first election shall take place on the first Tuesday in June, one thousand eight hundred and sixty-eight, at such place, in the city of Toronto, as shall be fixed by by-law of the Provisional Board, and the Secretary of such Board shall act as Returning Officer at said election, and the persons qualified to vote at such election shall be the Licentiates of said Provisional Board, admitted without examination, as provided by section twelve of this Act, at least one month before said election, and the said Provisional Board shall issue such certificates to such persons upon their compliance with the requisites of said section, and it shall be the duty of the Secretary to publish in the *Ontario Gazette*, for two weeks immediately after said election, the names of the persons who have been elected members of the Board.

First Election.

5. The said newly elected Board, as well as all Boards to be hereafter elected, shall hold their first meeting on the third Tuesday in July, next after the said elections in the city of Toronto, at such place as may be fixed by the Board.

First meeting of Board.

6. Every subsequent election shall be held on the first Tuesday in June, in every second year, after the said first election, and the persons qualified at the said election shall be those Licentiates who have obtained their certificates as provided for in the twelfth section of this Act.

Subsequent elections.

7. The said Board shall, at their first meeting after their election, elect from among themselves a President, Treasurer, Secretary and Registrar, and such other officers as may be necessary to the

Appointment of a President and other officers.

the working of this Act and the rules and regulations of said Board; and the said Board shall, from time to time, in the event of the President being absent, from any cause whatever, elect, from among their number, a person to preside at their meetings, who shall have the same powers, and exercise the same functions, as the President.

**Remuneration.**

**8.** There shall be allowed and paid to each of the members of said Board such fees for attendances (in no case to exceed five dollars per day and such reasonable travelling expenses) as shall from time to time be allowed by said Board.

**Funds payable to the Treasurer.**

**9.** All moneys forming part of the funds of said Board shall be paid to the Treasurer, and shall be applied to the carrying of this Act into execution.

**Curriculum of Studies to be fixed by the Board.**

**Students to be articulated.**

**Examination and fees payable before License to practice.**

**10.** The Board shall have power and authority to establish and conduct a Dental College in Toronto, to appoint Professors, to fix and determine from time to time a curriculum of studies to be pursued by students, and to fix and determine the period for which every student shall be articulated and employed under some duly licensed practitioner, and the examination necessary to be passed before said Board, and the fees to be paid into the hands of the Treasurer of said Board, before receiving a certificate of license to practise the profession of dentistry.

**Sittings of the Board for examination of Students, &c.**

**11.** The said Board may hold two sittings in every year for the purpose of examining students, granting certificates of license, and doing such other business as may properly come before them, such sittings to commence on the third Tuesday in July and January, in each and every year, which may be continued by adjournment from day to day, until the business before the said Board be finished, but no session shall exceed one week, said sittings to be held in the City of Toronto.

**Who entitled to certificates.**

**12.** All persons being British subjects by birth or naturalization, who have not been constantly engaged for five years in established office practice next preceding the passing of this act in the practice of the profession of dentistry, shall be entitled to a certificate of Licentiate of Dental Surgery, upon their furnishing to the said Board satisfactory proof of their having been so engaged, and upon passing the required examination, and upon payment of such fees as may be authorized and fixed by the said Board, for the payment of which the Treasurer's receipt shall be sufficient evidence, and all persons being British subjects, by birth or naturalization, who have been constantly engaged for five years and upwards in established office practice, next preceding the passing of this Act, in the practice of the profession of dentistry, shall, upon such proof as aforesaid, and upon the payment of the fees as aforesaid, be entitled to such certificate without passing any examination.

**13.** The said Board shall at its first meeting, and from time to time thereafter, make such rules, regulations and by-laws as may be necessary for the proper and better guidance, government and regulation of said Board and College, and said profession of Dentistry, as to fees and otherwise, and the carrying out of this Act; which said rules, regulations and by-laws, shall be published for two consecutive weeks in the Ontario *Gazette*; any or all of such rules, regulations and by-laws shall be liable to be cancelled and annulled by an order of the Lieutenant-Governor of this Province.

The Board to make Rules, Regulations and By-laws.

Publication in the Ontario *Gazette*.

**14.** Every person desirous of being examined by the said Board, touching his qualifications for the practice of the profession of dentistry, shall at least one month before the sittings of said Board, pay into the hands of the Treasurer the required fees, and inclose and deliver to the Secretary the Treasurer's receipt for the same, together with satisfactory evidences of his apprenticeship, integrity and good morals; and it shall be the duty of the Board to hold a sitting for the purpose hereinbefore mentioned, on the third Tuesdays of January and July, which ever shall first happen, next ensuing the said payment and delivery.

Fees payable before examination.

**15.** If the Board be satisfied by the examination that the person is duly qualified to practise the profession of Dentistry, and be further satisfied that he is a person of integrity and good moral character, they shall grant him a certificate of license and the title of Licentiate of Dental Surgery, which certificate and title shall entitle him to all the rights and privileges of this Act until such time as the Board shall be satisfied that he has been guilty of acts, detrimental to the interests of the profession, when he shall forfeit his certificate, and it shall be cancelled; such forfeiture may, however, be waived, and the said certificate of License and all rights and privileges thereunder, fully revived by said Board, in such manner and upon such terms and conditions as to said Board may seem expedient.

Certificate of License.

Designation of Title.

Forfeiture, when.

**16.** Every certificate of license shall be sealed with the Corporation Seal and signed by the President and Secretary of said Board; and the production of such certificate of license shall be *prima facie* evidence in all courts of law and upon all proceedings of whatever kind, of its execution and contents.

Certificate to be under the Corporate seal.

**17.** The Secretary of the said Board shall, on or before the fifteenth day of January in each and every year, inclose to the Provincial Secretary a certified list of the names of all persons to whom certificates of license have been granted during the then next preceding year.

Certified lists of Licenses granted to be enclosed to the Provincial Secretary annually.

**18.** If any person, after the period of twelve months after the passing of this Act, not holding a valid and unforfeited certificate of license, practises the said profession of Dentistry for hire, gain or hope of reward, or wilfully and falsely pretends to

Persons practising without License to be guilty of misdemeanor.



Penalty not exceeding \$20, upon summary conviction before any Justice.

In default of payment, imprisonment.

Inability to recover for work done.

to hold a certificate of license under this Act, or takes or uses any name, title, addition or description implying that he is duly authorized to practise the said profession of Dentistry, or shall falsely use any title representing that he is a graduate of any Dental College either in Great Britain or other countries he shall be liable to a summary conviction, before any two or more Justices of the Peace, for every such offence, and shall, on such conviction, be liable to a fine not exceeding twenty dollars, which said penalty, in default of payment, shall be enforced by distress and sale of the offender's goods and chattels; and it is further provided that no such person shall recover in any Court of Law for any work done or materials provided by him in the ordinary and customary work of a Dentist.

This Act not to interfere with Physicians or Surgeons.

19. Nothing in this Act shall interfere with the privileges conferred upon Physicians and Surgeons by the various acts relating to the practice of Medicine and Surgery in this Province.

## CAP. XXXVIII.

### An Act to Incorporate the Clifton Suspension Bridge Company.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS, John T. Bush, of the Town of Clifton, in the Township of Stamford, in the County of Welland, in this Province, has, by his petition, set forth that he, the said John T. Bush, with Delos Dewolf, of Oswego; William G. Fargo, of Buffalo; Vivus W. Smith, of Syracuse; and Hollis White, of Niagara Falls, all in the State of New York, lately obtained from the Legislature of the said State of New York a charter of Incorporation for the construction of a Suspension Bridge across the Niagara River, immediately below the Falls of Niagara, and that in order to carry out the object of their incorporation it is necessary that the said parties should obtain an Act of Incorporation from the Legislature of this Province, to enable them to acquire and hold such lands within this Province as may be required for the construction of the said Bridge, and for other purposes connected therewith, and has prayed for an Act of Incorporation on that behalf; and, whereas, it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Company incorporated.

1. The said John T. Bush, Delos Dewolf, William G. Fargo, Vivus W. Smith and Hollis White, together with all other persons who may become shareholders of the company hereby Incorporated,

Incorporated, shall be, and they are hereby constituted a body politic and corporate by the name of "The Clifton Suspension Bridge Company."

2. The said Company may purchase and acquire, either from the Crown, the Dominion of Canada, or from individuals or corporations, any land or real estate on or near the bank of the Niagara River, in the said town of Clifton, necessary for the purposes of the said proposed Suspension Bridge, and to hold, alien, and convey the same for that purpose.

May purchase  
and hold lands,  
&c.

3. The capital of the said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each.

Capital  
\$100,000.

4. The stock, property and affairs of the said Corporation shall be managed by five Directors, who shall be shareholders, annually chosen on the first Monday in May, in each year, at such place in the Town of Clifton as a majority of the Directors may appoint; the persons named in the first clause of this Act shall be and act as Directors until the first Monday in May next, after the passing of this Act, and until their successors shall have been chosen; each shareholder, at all elections of Directors, shall be entitled, either in person or by proxy, to one vote for each share of stock held in his own name; all elections of Directors shall be by ballot, and the persons having the greatest number of votes shall be Directors, and shall hold office for one year, and until their successors shall have been chosen; the Directors for the time being may fill any vacancy occurring in the Board by the appointment of some other shareholders thereto, who shall hold office until the next annual election; after every annual election of Directors such last mentioned Directors shall, at their first meeting, choose one of their number to be President of the Corporation, who shall hold office until the next annual meeting; notice of every such annual election shall be given at least one month before the day of election, in some newspaper published in the Town of Clifton, or nearest thereto.

Directors to  
manage  
Corporation.

Directors to be  
elected by  
ballot.

5. The Directors, or a majority of them, shall have power from time to time to make and establish such by-laws and regulations as to them shall appear needful and proper, touching the management and disposition of the stock, property and effects of the said Corporation, and touching the duties of its officers, clerks and servants, their appointment and salaries, and all such other matters and things as shall appertain to the business of the Corporation, and the same to alter, amend, rescind and repeal at their pleasure.

Directors to  
make by-laws.

## CAP. XXXIX.

## An Act to amend the Charter of the Grey and Simcoe Railway Company.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS the Grey and Simcoe Railway Company have Petitioned for power to construct a continuation of their Line of Railway to the Town of Walkerton, and some further point in the County of Bruce, and in that event to be empowered to locate said Railway in such direction as may seem best calculated to meet the requirements of the districts proposed to be served, and that the period for the commencement of the construction of said Railway might be extended, and it is expedient that their Charter should be amended, according to the prayer of their Petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Power to construct extension.

1. The said Grey and Simcoe Railway Company, and their servants, shall have full power and authority to extend the construction of their Railway to the Town of Walkerton, in the County of Bruce, and to such other and further point in the said County as the Municipal Council of said County may approve.

To connect with Northern Railway at any point.

2. The said Company shall have power so to locate the said Railway that it may connect with any point on the Northern Railway of Canada, and, passing through the County of Grey, be extended to the Town of Walkerton, and such further point in the County of Bruce as aforesaid.

Time for commencement extended.

3. The time for the commencement of the construction of the Railway authorized to be constructed by this Act, and the Act passed in the Twenty-eighth Year of the Reign of Her Majesty, Queen Victoria, Chaptered Thirty-eight, Incorporating the said Grey and Simcoe Railway Company, is extended for the period of one year from the passing of this Act.

Provisions of 28 Vic., cap. 38 to apply.

4. All the powers, clauses and provisions contained in the said Act of Incorporation of the said Grey and Simcoe Railway Company shall be read with this Act, and shall apply to the extended powers conferred hereby, except in so far as they may be inconsistent with this Act.

Change of name.

5. From and after the passing of this Act, the Corporate name of the said Company shall be "The North-western Railway of Canada," instead of "The Grey and Simcoe Railway Company."



## CAP. XL.

An Act to Incorporate the Toronto, Grey and Bruce  
Railway Company.

[Assented to 4th March, 1868.]

**W**HEREAS, the construction of a Railway from the City of Toronto to the Village of Orangeville, or some point in the vicinity thereof, and thence to Mount Forest or Durham, or some point in the vicinity of either, and thence to the border of the County of Bruce, and thence to Southampton, in the County of Bruce, on Lake Huron, with a branch to Kincardine, in the County of Bruce, on Lake Huron, and also from some point in the line above-mentioned, at or east of Mount Forest or Durham, to the Town of Owen Sound, has become necessary for the development of the resources of the Counties of Grey and Bruce, and the country adjacent to and lying between those counties and the City of Toronto.

Preamble.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

1. Henry S. Howland, Arthur R. McMaster, Thomas Scott, Noah Barnhart, Archibald Taylor, R. Patterson, John Gordon, George Laidlaw, James Michie, Thomas Lailey, John Crawford, Thomas Charles Chisholm, James Edward Smith, Wm. Elliott, the Honorable J. McMurich, Frank Smith and C. J. Campbell, Thomas Swinarton, Donald Sinclair, Adam Crooks and Matthew Crooks Cameron, together with such persons and corporations as shall in pursuance of this Act become shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic by the name of the Toronto, Grey and Bruce Railway Company.

Incorporation.

Name of.

2. The several clauses of the Railway Act of the Consolidated Statutes of Canada, and amendments with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof, with respect to "interpretation," "incorporation," "powers," "plans and surveys," "lands and their valuation," "highways and bridges," "fences," "tolls," "general meetings," "president and directors, their election and duties," "calls," "shares and their transfer," "municipalities," "shareholders," "actions for indemnity and fines, and penalties, and their prosecution," "by-laws, notices, &c.," "working of the railway," and "general provisions," shall be incorporated with and be deemed to be a part of this Act, and shall apply to the said Company and to the Railway to be constructed by them except only so far as they may be inconsistent with the express enactments hereof, and the expression

Certain clauses of the Railway Act to apply.

"this

"this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

Construction of  
Railway.

3. The said company shall have full power, under this Act, to construct a railway from any point in the City of Toronto to the Village of Orangeville, or some point in the vicinity thereof, and thence to Mount Forest or Durham, or some point in the vicinity of either, and thence to the border of the County of Bruce, and thence to Southampton, with a branch to Kincardine, on Lake Huron, and also from some point at or east of Mount Forest, or Durham, in the line above mentioned, to the Town of Owen Sound, with full power to pass over any portion of the country between the points aforesaid, and to carry the said Railway through the Crown lands lying between the points aforesaid.

Gauge.

4. The gauge of the said railway shall be not less than three feet six inches, but may be made wider in the discretion of the directors of the said company.

Conveyances to  
the Company to  
be in the form  
in schedule.

5. Conveyances of lands to the said company for the purposes of this act may be made in the form set out in the schedule (Schedule A) hereunder written, or to the like effect, and such conveyances shall be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries, and certificates thereof, and certificate endorsed on the duplicate thereof.

Registration  
fee.

Provisional  
directors.

6. From and after the passing of this Act, the said Henry S. Howland, Arthur R. McMaster, Thomas Scott, Archibald Taylor, Robert Patterson, John Gordon, George Laidlaw, James Michie, Thomas Lailey, Thomas Charles Chisholm, James Edward Smith, William Elliott, Frank Smith, C. J. Campbell, Honorable John McMurrich, Noah Barnhart, John Crawford, Adam Crooks, Donald Sinclair, Thomas Swinarton, and Matthew Crooks Cameron, shall be the provisional directors of the said company.

Powers of di-  
rectors.

7. The said Provisional Directors, until others shall be named, as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be provisional Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors, as hereinafter provided, and with all such other powers as, under the Railway Act, are vested in such Boards.

8. The capital of the Company hereby incorporated shall be three millions of dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into thirty thousand shares of one hundred dollars each, and shall be raised by the persons and Corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said Railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said Capital Stock, the Municipality of any City County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock.

Capital of the Company \$3,000,000 with power to increase.

9. And it shall further be lawful for any Municipality or Municipalities through any part of which or near which the Railway or works of the said Company shall pass or be situated to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing Municipal Bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such Municipalities, or any of them shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act.

Municipalities may aid by bonus, &c.

10. Whenever any Municipality shall grant a bonus to aid the said Company in the making, equipping and completion of the said Railway, the debentures therefor shall, within six weeks after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Wardens of the Counties of York, Peel, Simcoe, Wellington, Grey and Bruce, all which Trustees to be residents of the City of Toronto; Provided, that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within one month after the notice in writing to him of the appointment of the other two trustees, the said Company shall be at liberty to name one in the place of the one to have been named by the said Lieutenant-Governor in Council; Provided, also, that the said Wardens shall appoint the said Trustee to be named by them by the vote of a majority of them who shall attend a meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Warden, by mail at least fourteen

Bonus to be held by Trustees.

How Trustees appointed.

days



days before the day appointed, and if the said Wardens then fail or neglect to name such Trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by the said Wardens.

How new Trustees to be appointed.

11. Any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time by the consent of the Lieutenant-Governor in Council, a majority of the said Wardens and the said Company.

Trusts on which they hold debentures.

12. The said Trustees shall receive the said debentures in trust: firstly, to convert the same into money; secondly, to deposit the amount realized from the sale of such debentures in some of the chartered Banks having an office in the City of Toronto, in the name of the "Toronto, Grey and Bruce Railway Municipal Trust Account," and to pay the same out to the said company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in Schedule B, hereto, or to the like effect, setting out the portion of the Railway to which the money to be paid out is to be applied and the total amount expended on such portion to the date of the certificate, and that the sum so certified does not exceed the *pro rata* amount per mile for the length of the road, to be applied on the work so done, and such certificates to be attached to the cheques to be drawn by the said trustees; and the wrongfully granting any such certificate by such Engineer, shall be a misdemeanor punishable by fine and imprisonment, by any Court of competent jurisdiction in the Province of Ontario.

Act of two Trustees to be binding.

13. The act of any two such Trustees to be as valid and binding as if the three had agreed.

General Meeting when to be called.

14. As soon as Shares to the amount of Three Hundred Thousand Dollars of the Capital Stock of the said Company, other than by Municipalities, shall have been subscribed, and ten per cent. thereof paid in to some Chartered Bank, having an Office in the City of Toronto, (which shall on no account be withdrawn therefrom unless for the service of the Company), the Directors shall call a General Meeting of the subscribers to the said Capital Stock, who shall have so paid up ten per cent. thereof, for the purpose of electing Directors of the said Company.

May be called by 5 subscribers in case of neglect by Provisional Directors.

15. In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

**16.** In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette*, and in one newspaper in the City of Toronto, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

Notice of Gen-  
eral Meeting.

**17.** At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of  
Directors.

**18.** No person shall be qualified to be elected as such Director by the Shareholders, unless he be a Shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Qualification.

**19.** Thereafter the general annual meeting of the Shareholders of the said Company shall be held in such place in the City of Toronto, and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspaper published in the counties through which the railway runs.

Annual Meet-  
ings.

**20.** Special general meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general  
meetings.  
Shares.

**21.** The directors of the said company, after the sanction of the shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken, and considered to be the first and preferential claims and charges upon the undertaking and the property of the Company, real and personal, and then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the Company as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$3,000,000, nor shall the amount of such bonds issued at any

Bonds.

Mode of Issue.

one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; and Provided also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights and privileges, and qualifications for directors, and for voting as are attached to shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Securities made payable to bearer.

**22.** All such bonds, debentures, mortgages and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Company may become parties to promissory notes, &c.

**23.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed by the President or Vice-President, of the Company, and countersigned by the Secretary and Treasurer of the said Company and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Scale of votes.

**24.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

Municipal corporate stock to be represented.

**25.** At all meetings of the company, the stock held by municipal and other corporations may be represented by such person as they shall respectively have appointed in that behalf by by-law, and such persons shall at such meetings be entitled equally with other shareholders to vote by proxy, and no shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Who to vote.



**26.** Any meeting of the directors of the said company regularly summoned, at which not less than five directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said directors.

Five Directors may act at any regular meeting.

**27.** On the subscription for shares of the said capital stock, each subscriber shall pay forthwith to the directors for the purposes set out in this Act, ten per cent of the amount subscribed by him, and the said directors shall deposit the same in some chartered bank to the credit of the said company.

Ten per cent. to be paid on subscription.

**28.** Hereafter calls may be made by the directors for the time being, as they shall see fit, provided that no calls shall be made at any one time of more than ten per cent of the amount subscribed by each subscriber.

Future calls.

**29.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits or for constructing, maintaining and using the said Railway, the Company may purchase, hold, use or enjoy such lands, and also the right of way thereto, if the same be separated from their Railway, and to sell and convey the same or parts thereof from time to time, as they may deem expedient.

When Company may purchase more land than is required for stations, &c.

**30.** The said Railway Company shall, at all times, receive and carry cordwood or any wood for fuel at a rate not to exceed, for dry wood, two and one-half cents per mile per cord from all stations exceeding fifty miles; and at a rate not exceeding three cents per cord per mile from all stations under fifty miles in full car loads; and for green wood at the rate of two and a-half cents per ton per mile.

Company to carry Cordwood at specified rates.

**31.** The Company shall further at all times, furnish every facility necessary for the free and unrestrained traffic in cordwood, to as large an extent as in the case of other freight carried over the said Railway.

Traffic in Cordwood to be unrestrained.

**32.** No foreign through freight shall be carried by the said Railway Company at a less rate per mile for equal distances than local freight.

Through freight.

**33.** The said Railway shall be commenced within one year and completed within five years after the passing of this Act, or else the charter shall be forfeited.

Railway to be completed in five years.

**34.** The Interpretation Act shall apply to this Act.

Interpretation Act.

## SCHEDULE A.

Know all Men by these presents, that I (or we) *(insert also the name of wife or any other person who may be a party)* in consideration

consideration of \_\_\_\_\_ dollars paid to me (or *as the case may be*) by the Toronto, Grey and Bruce Railway Company, the receipt whereof is hereby acknowledged, do grant and convey (and I the said \_\_\_\_\_ do grant and release, or do bar my dower in *as the case may be*), all that certain parcel (or those certain parcels *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their Railway, to hold with the appurtenances unto the said the Toronto, Grey and Bruce Railway Company, their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this \_\_\_\_\_ day of \_\_\_\_\_ one thousand eight hundred and \_\_\_\_\_

Signed, sealed and delivered in the presence }  
of \_\_\_\_\_ [L. S.]

## SCHEDULE B.

### CHIEF ENGINEER'S CERTIFICATE.

The Toronto, Grey & Bruce Railway Company's Office, }  
Engineer's Department, A.D., 18 \_\_\_\_\_ }  
No. \_\_\_\_\_

Certificate to be attached to Cheques drawn on the Toronto, Grey and Bruce Railway Municipal Trust Account and given under section \_\_\_\_\_ of Cap. 31 Vic.

I, \_\_\_\_\_, Chief Engineer for the Toronto, Grey and Bruce Railway, do hereby certify that there has been expended in the construction of Mile No. \_\_\_\_\_ (the said mileage being numbered consecutively from the boundary of the City of Toronto) the sum of \_\_\_\_\_ dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of \_\_\_\_\_ dollars, which said sum of \_\_\_\_\_ dollars is now due and payable as provided under said Act.

## CAP. XLI.

## An Act to Incorporate "The Toronto and Nipissing Railway Company."

[Assented to 4th March, 1868.]

**W**HEREAS it is of the utmost importance to this Province Preamble.  
 that a Line of Railway communication should be opened from Toronto to Lake Nipissing, in the most direct line. And whereas the opening of such a line from Toronto, through the Counties of York, Ontario and Victoria, to Lake Nipissing would develop not only the present resources of these Counties but open for settlement a most valuable tract of country, now unimproved and waste, and it is, therefore, expedient to grant a charter for the construction of such Railway, as aforesaid: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

**1.** William Gooderham, Thomas C. Chisholm, Matthew Crooks Cameron, Alexander Mortimer Smith, William Ince, James Adamson, George Laidlaw, Joseph Gould, Edward Wheeler, Jeremiah D. Merrick, John Leys, Thomas Clarkson, Thomas Wright, Robert W. Elliott, A. R. McMaster, Henry S. Howland, Laurence Coffee, James E. Smith, Hugh P. Crosby, John Turner, Duncan McRae, Alexander P. Cockburn, and the Honorable David Reesor, together with such persons and corporations as shall in pursuance of this Act become Shareholders of the said Company hereby incorporated, are hereby constituted and declared to be a body corporate and politic, by the name of the Toronto and Nipissing Railway Company. Incorporation

**2.** The several clauses of the Railway Act of the Consolidated Statutes of Canada and amendments, with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses thereof with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and Bridges," "Fences," "Tolls," "General Meetings," "President and Directors, their election and duties," "Calls," "Shares, and their Transfer," "Municipalities," "Shareholders," "Action for indemnity and fines and penalties and their prosecution," "By-laws," "Notice, &c.," "Working of the Railway," and "General Provisions," shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the Railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid. Certain clauses of the Railway Act to apply.



Power to construct Railway.

3. The said Company hereby incorporated, and their servants and agents shall have full power, under this Act, to construct a Railway from any point in the City of Toronto to Lake Nipissing, at such point on the same as may seem to the Company best adapted to attain the objects mentioned in the preamble, with full power to pass over such portions of the Counties of York, Ontario and Victoria, as may be determined upon and as lie between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the same.

Power to purchase Steam Vessels.

4. The said Company shall further have power to purchase build, complete, fit out, and charter, sell, or dispose of, work and control and keep in repair steam or other vessels, from time to time, to ply on Balsam Lake and Gull River, in connection with the said Railway, and also to make arrangements and agreements with Steamboat proprietors, by chartering or otherwise, to run other vessels on other lakes or rivers within the counties aforesaid and the County of Peterborough.

Gauge of Railway.

5. The Gauge of the said Railway shall not be less than three feet six inches, but shall be in the discretion of the Company.

Conveyances of lands to be in form of Schedule.

6. Conveyances of lands to the said Company for the purpose of this Act may be made in the form set out in the Schedule hereunder written, or to the like effect, and such conveyances shall be received by the several Registrars and be registered by duplicates thereof, in such manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Provisional Directors.

7. From and after the passing of this Act, the said William Gooderham, Thomas C. Chisholm, Matthew Crooks Cameron, Alexander Mortimer Smith, William Ince, James Adamson, George Laidlaw, Joseph Gould, Edward Wheeler, Jeremiah D. Merrick, John Leys, Thomas Clarkson, Thomas Wright, Robert W. Elliott, A. R. McMaster, Henry S. Howland, Laurence Coffee, James E. Smith, Hugh P. Crosby, John Turner, Duncan McRae, Alexander P. Cockburn, and the Honorable David Reesor, shall be provisional Directors of the said Company.

Powers of Directors.

8. The said Provisional Directors until others shall be named, as hereinafter provided, shall constitute the Board of Directors of the Company, with power to fill vacancies occurring thereon, to associate with themselves thereon not more than three other persons, who, upon being so named, shall become and be Directors of the Company equally with themselves, to open Stock Books, to make a call upon the shares subscribed therein, to call a meeting of the subscribers thereto for the election of other Directors, as hereinafter provided, and with

with all such other powers as, under the Railway Act, are vested in such Boards.

9. The capital of the Company hereby incorporated shall be three millions of dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into thirty thousand shares of one hundred dollars each, and shall be raised by the persons and Corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment and discharge of all fees, expenses and disbursements for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment and completion of the said Railway and the other purposes of this Act and to no other purpose whatever; and until such preliminary expenses shall be paid out of the said capital stock, the Municipality of any City, County, Town, Township, Parish or Village, on the line of such works, may pay out of the general funds of such Municipality, its fair proportion of such preliminary expenses, which shall hereafter be refunded to such Municipality from the Capital Stock of the Company, or be allowed to it in payment of stock.

Capital of the  
Company  
\$3,000,000  
with power to  
increase.

10. And it shall further be lawful for any Municipality or Municipalities through any part of which or near which the Railway or works of the said Company shall pass or be situated to aid and assist the said Company by loaning, or guaranteeing, or giving money by way of bonus or other means to the Company, or issuing Municipal Bonds to or in aid of the Company, and otherwise, in such manner and to such extent as such Municipalities, or any of them, shall think expedient; Provided always, that no such aid, loan, bonus or guarantee shall be given, except after the passing of by-laws for the purpose, and the adoption of such by-laws by the rate-payers, as provided in the Railway Act.

Municipalities  
may aid by  
bonus, &c.

11. Whenever any Municipality shall grant a bonus to aid the said Company in the making, equipment and completion of the said Railway, the debentures therefor shall, within six weeks after the passing of the by-law, authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said Company, and one by the Wardens of the Counties of York, Ontario and Victoria, all such trustees to be residents of the City of Toronto; Provided, that if the Lieutenant-Governor in Council shall refuse or neglect to name such trustee within six months after the passing of this Act, the said Company shall be at liberty to name one in the place of the one to have been named by the Lieutenant-Governor in Council; Provided, also that the, said Wardens shall appoint the said Trustee to be named by them by the vote of a majority of them who shall attend a meeting

Bonus to be  
held by trus-  
tees.

How Trustees  
appointed.

meeting for that purpose, to be held at such time and place as the said Company may appoint for that purpose, notice of which shall be sent to each Warden, by mail, at least fourteen days before the day appointed, and if the said Wardens then fail or neglect to name such trustee, the said Company shall be at liberty to name one in the place of the Trustee to have been named by the said Wardens.

How new Trustees to be appointed.

**12.** Any Trustee appointed may be removed, and a new Trustee appointed in his place, at any time by the consent of the Lieutenant-Governor in Council, a majority of the said Wardens and the said Company.

The trusts on which they hold bonus.

**13.** The said Trustees shall receive the said Debentures in trust: Firstly, to convert the same into money; Secondly to deposit the amount realized from the sale of the said debentures in some one of the chartered banks having an office in the City of Toronto in the name of the "Toronto and Nipissing Railway Municipal Trust Account;" and to pay the same out to the said Company from time to time on the certificate of the Chief Engineer of the said Railway in the form set out in schedule B hereto, or to the like effect, to be expended by them *pro rata* on each mile of Railway built between the boundaries of the City of Toronto and Balsam Lake; and the said certificate of the Chief Engineer shall set out the portion of the Railway, to which the money to be paid out is to be applied, the total amount expended on such portion to the date of such certificate, and that the sum so certified does not exceed the *pro rata* amount to be applied on the work done; the said certificate to be attached to the cheques of the said Trustees respectively as they shall be drawn, and the wrongfully granting of any such certificate by such Engineer shall be a misdemeanor, punishable by fine and imprisonment by any Court of competent jurisdiction in the Province of Ontario.

Act of two Trustees to be binding.

**14.** The act of any two such Trustees to be as valid and binding as if the three had agreed.

General Meeting when to be called.

**15.** As soon as Shares to the amount of One hundred and fifty thousand dollars of the Capital Stock of the said Company other than by municipalities, shall have been subscribed, and ten per cent. thereof paid into some chartered bank, having an office in the City of Toronto, (which shall on no account be withdrawn therefrom unless for the service of the Company), the Directors shall call a general meeting of the subscribers to the said Capital Stock, who shall have so paid up ten per cent. thereof, for the purpose of electing Directors of the said Company.

May be called by 5 subscribers in case of neglect by Provisional Directors.

**16.** In case the Provisional Directors neglect to call such meeting for the space of three months after such amount of the Capital Stock shall have been subscribed and ten per cent. thereof so paid up, the same may be called by any five of the subscribers



subscribers who shall have so paid up ten per cent., and who are subscribers among them for not less than one thousand dollars of the said capital stock, and who have paid up all calls thereon.

**17.** In either case notice of the time and place of holding such general meeting shall be given by publication in the *Ontario Gazette* and in one newspaper in the City of Toronto, and in one newspaper in each of the counties through which the said railway is intended to pass, once in each week, for the space of at least one month, and such meeting shall be held in the City of Toronto at such place therein and on such day as may be named by such notice.

Notice of general meeting.

**18.** At such general meeting the subscribers for the capital stock assembled who shall have so paid up ten per cent. thereof, with such proxies as may be present, shall choose nine persons to be the Directors of the said Company, and may also make or pass such rules and regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act.

Election of Directors.

**19.** No person shall be qualified to be elected as such Director by the Shareholders, unless he be a Shareholder holding at least ten shares of stock in the Company, and unless he has paid up all calls thereon.

Qualification.

**20.** Thereafter the general annual meeting of the Shareholders of the said Company shall be held in such place in the City of Toronto and on such days and at such hours as may be directed by the by-laws of the said Company, and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and in one or more newspaper published in the counties through which the railway runs.

Annual meetings.

**21.** Special general meetings of the Shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company.

Special general meetings. Shares.

**22.** The Directors of the said Company, after the sanction of the Shareholders shall have been first obtained at any special general meeting to be called from time to time for such purpose, but limited to the terms of this Act, shall have power to issue bonds made and signed by the President or Vice-President of the said Company, and countersigned by the Secretary and Treasurer, and under the seal of the said Company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken, and considered to be the first and preferential claims and charges upon the undertaking, and the property of the Company, real and personal, and then existing, and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the

Bonds.

Mode of issue.

the other holders thereof upon the undertaking and the property of the Company, as aforesaid; Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of three million dollars, nor shall the amount of such bonds issued at any one time be in excess of the amount of the paid up instalments on its share capital, together with the amount of paid up municipal and other bonuses, and which have been actually expended in surveys and in works of construction upon the line; and, Provided, also, further, that in the event at any time of the interest upon the said bonds remaining unpaid, and owing then at the next ensuing general annual meeting of the said Company, all holders of bonds shall have and possess the same rights and privileges, and qualifications for Directors, and for voting as are attached to Shareholders, provided that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares.

Securities made payable to bearer.

**23.** All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Company may become parties to promissory notes, &amp;c.

**24.** The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than one hundred dollars, and any such promissory note made or endorsed or any such bill of exchange drawn, accepted or endorsed by the President or Vice-President, of the Company and countersigned by the Secretary and Treasurer of the said Company and under the authority of a quorum of the Directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President or Vice-President, or the Secretary and Treasurer be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

Proviso.

Scale of Votes.

**25.** Every shareholder of one or more shares of the said capital stock shall, at any general meeting of the shareholders, be entitled to one vote for every share held by him.

Municipal Corporate Stock to be represented

**26.** At all meetings of the Company, the stock held by Municipal and other Corporations may be represented by such person

person as they shall respectively have appointed in that behalf by by-law, and such persons shall, at such meeting, be entitled equally with other shareholders to vote by proxy, and no Shareholder shall be entitled to vote on any matter whatever unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

Who to Vote.

**27.** Any meeting of the Directors of the said Company regularly summoned, at which not less than five Directors shall be present, shall be competent to exercise and use all and every of the powers hereby vested in the said Directors.

Five Directors may act at any regular meeting

**28.** On the subscription for shares of the said Capital Stock, each subscriber shall pay forthwith to the Directors for the purposes set out in this Act, ten per cent. of the amount subscribed by him, and the said Directors shall deposit the same in some chartered bank to the credit of the said Company.

10 per cent. to be paid on subscription.

**29.** Hereafter calls may be made by the Directors for the time being, as they shall see fit; Provided that no calls shall be made at any one time of more than ten per cent of the amount subscribed by each subscriber.

Future calls.

**30.** Whenever it shall be necessary, for the purpose of procuring sufficient lands for stations or gravel pits or for constructing, maintaining and using the said Railway, it is enacted that the said Company may hold, use or enjoy such lands and also the right of way thereto, if the same be separated from their Railway, and to sell and convey the same or parts thereof from time to time, as they may deem expedient.

When Company may purchase more land than is required for stations, &c.

**31.** The said Railway Company shall, at all times, receive and carry cord-wood or any wood for fuel at a rate not to exceed, for dry wood, two and one-half cents per mile per cord for all stations exceeding fifty miles, and at a rate not exceeding three cents per cord per mile for all stations under fifty miles in full car loads; and for green wood at the rate of two and a-half cents per ton per mile.

Company to carry Cordwood at specified rates.

**32.** The Company shall further at all times, furnish every facility necessary for the free and unrestrained traffic in cord-wood, to as large an extent as in the case of other freight carried over the said Railway.

Traffic in Cordwood to be unrestrained

**33.** The said Railway shall be commenced within one year, and thirty-seven continuous miles completed within three years after the passing of this Act, and the whole road to Nipissing shall be completed within five years after the passing of this Act, or else the charter shall be forfeited.

Miles of Railway to be completed in three years.

**34.** The Interpretation Act shall apply to this Act.

Interpretation Act.



## SCHEDULE A.

Know all men by these presents that I (or we,) [*insert also the name of wife or any other person who may be a party*] in consideration of                      dollars paid to me [*or as the case may be*] by the Toronto and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey [and I, the said                      do grant and release, or do bar my dower in *as the case may be.*] all that certain parcel [*or those cert in parcels, as the case may be,*] of land situate [*describe the land*] the same having been selected and laid out by the said Company for the purposes of their Railway, To hold with the appurtenances unto the said The Toronto and Nipissing Railway Company, their successors and assigns.

As witness my (*or our*) hand and seal (*or hands and seals,*) this              day of              one thousand eight hundred and

Signed, sealed and delivered,  
in the presence of

[*L. S.*]

## SCHEDULE B.

## CHIEF ENGINEER'S CERTIFICATE.

Toronto and Nipissing Railway Company's Office, }  
Engineer's Department, Toronto, 186 }

No. \_\_\_\_\_

Certificate to be attached to cheques drawn on the Toronto and Nipissing Railway Municipal Trust account in Trustees hands and given under sections              of cap. 31st Vict.

I,                      , Chief Engineer for the Toronto and Nipissing Railway, do hereby certify that there has been expended in the construction of Mile No.              [the said mileage being numbered consecutively from the boundary of the City of Toronto] the sum of              dollars to date, and that the total *pro rata* amount due for the same, from the said Municipal Trust Account, amounts to the sum of              dollars, which said sum of              dollars is now due and payable as provided under the said Act.

CHIEF ENGINEER.

CAP.

## CAP. XLII.

## An Act to Incorporate the Port Whitby and Port Perry Railway Company.

[Assented to 4th March, 1868.]

**W**HEREAS the Town Council of the Town of Whitby, and others, have Petitioned for an Act to Incorporate a Company, to construct a Railway, from some point on Lake Seugog, at or near Port Perry, to some point on Lake Ontario, in the Townships of East or West Whitby, and for other purposes; and whereas it is expedient to grant the prayer of said Petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Preamble.

1. Nelson G. Reynolds, James Rowe, Chester Draper, James Holden, Robert J. Gunn, Hugh J. McDonell, Esquires, of the Town of Whitby; Abram Farewell, Esquire, of the Township of East Whitby; Jonathan Foote, Esquire, of the Township of Whitby; Thomas Paxton, William S. Sexton, Joseph Bigelow, Edward Major, Thomas C. Foreman, Charles Marsh and George W. Jones, Esquires, of the Township of Reach, and all in the County of Ontario, together with such other person or persons, Corporation or Corporations, as shall, under the provisions of this Act, become Shareholders in the Company, hereby Incorporated, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, by and under the name of "The Port Whitby and Port Perry Railway Company."

Names of persons incorporated.

Name of the Company.

2. The several clauses of "The Railway Act," with respect to the first, second, third, fourth, fifth and sixth clauses thereof, and also the several clauses of the said Act, with respect to "Interpretation," "Incorporation," "Powers," "Plans and Surveys," "Lands and their Valuation," "Highways and bridges," "Fences," "Tolls," "General Meetings," "President and Directors—their Election and Duties," "Calls," "Shares and their transfer," "Municipalities," "Shareholders," "Actions for Indemnity and Fines and Penalties and their Prosecution," "Notices, &c.," "Working of the Railway," and "General Provisions," shall be Incorporated with this Act; and the expression "this Act," when used herein, shall be held and understood to include the clauses Incorporated with this Act, save and except in so far as they are varied by any of the provisions of this Act; and subject always to the following modification of the Tenth Section of "The Railway Act;"—that is to say, that Land to the extent of twenty acres for a station, depot, or other works in the Township of Reach, may be taken by the said Company, subject however to the provisions of the said Act in that behalf.

Certain clauses of Railway act incorporated with this act.

Modification of 10th section of Railway act.

Construction of  
Railway.

3. The Company hereby Incorporated, and their Agents or Servants shall have full power and authority, under this Act, to lay out, construct and finish an iron Railway, from such point within the limits of the Town of Whitby, on the shore of Lake Ontario, or within the limits of the Public Harbour, known as "The Port Whitby Harbour," and now the property of "The Port Whitby Harbour Company," as to the Directors of the Company may appear expedient; thence, in the direction of the Grand Trunk Railway, so as to secure a favorable connection with the said Railway, at some convenient point within the limits of the said Town of Whitby; thence through the Town of Whitby, the Townships of Whitby or East Whitby, or both of them, and the Township of Reach, all in the County of Ontario, to such point on the shore of Lake Scugog, at or near Port Perry, and within the limits of the Sixth Concession of the said Township of Reach, as may be found advisable; and the said Company shall have power and authority to construct the different sections of the said Railway in such order as they see fit, keeping in view the general direction as herein before provided; and with full power to pass over any portion of the country between the points aforesaid, and to carry the said Railway through the Crown Lands lying between the points aforesaid; and it shall and may be lawful for the said Company to take and appropriate for the use of said Railway, and the Works connected therewith, but not to alienate, so much of the land covered with the waters of any river or stream, as may be necessary for the works of the said Railway.

Capital Stock  
\$300,000.

Shares \$50  
each.

Expenses of  
the Act

Municipal  
Loans.

4. The Capital Stock of the said Company shall be Three Hundred Thousand Dollars, (with power to increase the same in the manner provided by the Railway Act,) to be divided into Six Thousand Shares of Fifty Dollars each, which amount shall be raised by the persons hereinbefore named, and such other persons and Corporations as may become Shareholders in the said Stock, and the money so raised shall be applied, in the first place to the payment of all fees, expenses and disbursements for procuring the passing of this Act, and for making the Surveys, Plans and Estimates connected with the Railway, and all the rest and remainder of such money shall be applied towards making, completing and maintaining the said Railway, and other purposes of this Act; Provided always, that until the said preliminary expenses shall be paid out of the Capital Stock, it shall be lawful for the Municipality of any County, Town, Village, or Township to pay out of the funds of such Municipality, either by way of bonus or donation, or by way of loan to the said Company, such preliminary expenses, or any part thereof, as to the Council of such Municipality may appear expedient, and in the case of a loan, any sum thus advanced shall be refunded to the Municipality from the Stock of said Company, or shall be allowed in payment of any Stock which may be subscribed for by such Municipality.



5. The said Nelson G. Reynolds, James Rowe, Chester Draper, James Holden, Robert J. Gunn, Hugh J. McDonell, Abram Farewell, Jonathan Foote, Thomas Paxton, William S. Sexton, Joseph Bigelow, Edward Major, Thomas C. Foreman, Charles Marsh and George W. Jones, shall be, and are hereby constituted a Board of Provisional Directors of the said Company, and shall hold office as such until other Directors shall be appointed, under the provisions of this Act, by the Shareholders; and it shall be lawful for the Provisional Directors for the time being, of the said Company, or a majority of the Directors present at a meeting called for the purpose, to supply the place or places of any of their number, from time to time, dying or declining to act as such Provisional Directors: and to associate with themselves, at a meeting of Directors, called for the purpose of deciding thereon, not more than five other Directors, who shall thereupon become and be Directors of the Company equally with themselves, which appointments, whether by reason of death, or resignation, or the association of not more than five other Directors, shall be made from the several subscribers for Stock in the said Railway Company to the amount of Two Thousand Dollars each, during the period of their continuance in office, and upon which Stock all calls shall have been paid.

Provisional Directors.

Vacancies how supplied.

6. The said Board of Provisional Directors shall have full power to open Stock Books and procure subscriptions for the undertaking, to make calls upon the Subscribers, to cause Surveys and Plans to be executed, to call a General Meeting of the Shareholders for the Election of Directors, as hereinafter provided: and such Provisional Directors shall be and they are hereby invested with all the powers, rights, privileges and indemnities, and they shall be and are hereby made subject unto the like restrictions, as the elective Directors of the said Company, upon their being elected by the Stockholders of the said Company, as hereinafter provided, would under the provisions of "The Railway Act" and of this Act, become invested with, or subject unto, respectively.

Power to open stock books and procure subscriptions.

Power of Provisional Board.

7. When and so soon as shares to the amount of one hundred thousand dollars in the Capital Stock of the said Company shall be taken and ten dollars per centum thereon shall have been paid into some one of the chartered Banks of this Province, and which said amount shall not be withdrawn from such Bank, or otherwise applied, except for the purpose of this Railway, or upon the dissolution of the Company; it shall and may be lawful for the said Provisional Directors of the said Company, for the time being, or a majority of them, to call a meeting of the subscribers for stock therein, for the purpose of electing Directors of the said Company, giving at least one month's notice in two or more newspapers published in the County of Ontario, of the time, place and object of such meeting: and at such General Meeting, the Shareholders present, either in person or by proxy, and who shall have paid ten per centum upon the

Meeting for the election of Directors to be called when \$100,000 Shares subscribed.

Nine Directors to be elected.

the stock subscribed by them, shall elect nine persons to be Directors of the said Company, in the manner and qualified as hereinafter provided, which said Directors, together with the *ex officio* Directors, under "The Railway Act," shall constitute a Board of Directors, and shall hold office until the fourth Wednesday in January, in the year following their election.

Annual general meeting for election of Directors.

8. On the said fourth Wednesday in January, and on the fourth Wednesday in January in each year thereafter, there shall be holden a General Meeting of the Shareholders of the said Company, at which Meeting the Shareholders shall elect nine Directors for the ensuing year, in the manner and qualified as hereinafter provided, and public notice of such Annual General Meeting and election, and of the time and place at which such Meeting shall be held, shall be published for at least one month before the day of election, in two or more newspapers published in the County of Ontario, and in the *Ontario Gazette*; and all the elections for Directors shall be by ballot, and the persons so elected, together with the *ex-officio* Directors under "The Railway Act," shall form the Board of Directors.

Public notice thereof.

Election by ballot.

Directors to be holders of 40 shares.

9. In the Elections of Directors under this Act, no person shall be elected a Director, unless he shall be the holder and owner of at least forty shares of the stock of the said Company, upon which all the calls have been paid up.

Aliens as well as British subjects may be Shareholders.

10. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be Shareholders in the said Company; and all such Shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as Directors in the said Company.

Number of votes of shareholders.

11. In the Elections of Directors under this Act, and in the transaction of all business at General Shareholders' Meetings, each shareholder shall be entitled to vote either in person or by proxy, and shall be entitled to as many votes as he holds shares; but no shareholder shall be entitled to vote, in person or by proxy, at any such meeting or at any special meeting of the Shareholders of the said Company, who shall not have paid at least ten per centum on each Share, held or owned by him or her in the capital Stock of said Company, and all calls due upon his or her Stock at the time of such election or meeting.

Quorum of Directors.

12. At all meetings of the Board of Directors, whether of Provisional Directors, or of those elected by the shareholders, five Directors shall form a quorum for the transaction of business, and the said Board of Directors may employ one or more of their number as paid Director or Directors.

Subscriptions for shares.

13. The said Directors are hereby authorized and empowered to take all necessary steps for procuring Subscriptions for Shares in

in the Stock Books of the Company from parties desirous of becoming Shareholders in the said Company, until the whole of the Capital Stock authorized by this Act, shall have been taken up, and to make, execute and deliver all such Scrip and Share certificates as to the said Directors shall seem expedient.

**14.** The Directors may at any time call upon the Shareholders for instalments upon each share which they, or any of them, may hold in the Capital Stock of the said Company, in such proportion as they may see fit; Provided, that no such call or instalment shall exceed the sum of Ten Dollars per centum upon the amount subscribed for by the respective Shareholders in the said Company, and that the amount of any such calls in any one year, shall not exceed Fifty Dollars per centum upon the Stock so subscribed; Provided also, that upon the occasion of any person or corporation becoming a subscriber for Stock in the said Company, it shall and may be lawful for the Provisional and other Directors of the said Company for the time being, to demand and receive, to and for the use of the said Company, the sum of Ten Dollars per centum upon the amount by such person or corporation respectively subscribed, and also the amount of such calls as shall have already been made payable in respect of the Stock then already subscribed at the time of such person or corporation respectively subscribing for Stock; and all persons subscribing to the Capital Stock of the said Company, shall be considered proprietors and partners in the same, but shall be liable only to the extent of their unpaid Stock therein.

Calls not to exceed 10 per cent.

Ten per cent payable on subscription and calls made.

**15.** The Shares of the Capital Stock of the said Company shall be transferable, and may from time to time be transferred to others, by the respective holders and owners thereof; Provided always, that the original subscribers, or any future transferor and the transferee, shall be always held personally liable to the said Company, and to the creditors thereof, for all or any part of the sums unpaid on such Shares by the transferor or original subscriber subscribed, and for all calls thereon, whether made before or after any such transfer, and in any action brought for the recovery of any call or calls upon such Stock, the said Company may sue the original subscriber or the person or persons to whom the same may have been transferred as the said Directors may elect, and failing to secure payment may enter an action against, and may receive from the original subscriber any unpaid calls on such Stock, together with the costs of any previous actions in which the Company may have recovered judgment against any other of the parties liable for such calls.

Shares transferable.

Liability of subscribers and transferees

**16.** Municipal Corporations may grant to the said Railway Company such sums of money or debentures as may, by the said Municipal Corporations, be thought advisable, in the way of bonus or donation to aid in the construction or equipment of said Railway or of any of the works authorized under this Act to

Municipalities may aid by bonus or donation.



to be undertaken; and it shall and may be lawful for the said Company to accept such bonus or donation, and to apply any such sums of money, or the proceeds of such debentures to the special purpose, if any, for which the same were so granted.

Petition by majority of freeholders for bonus or donation

**17.** In case a majority of the persons rated on the last assessment roll as freeholders in any portion of a township, do petition the Council of such Municipality, the said petition to define the metes and bounds of the section of the township within which the property of the petitioners is situated, and expressing the desire of the said petitioners to aid in the construction of the said Railway, by granting a bonus or donation to the said Company for this purpose, and stating the amount which they so desire to give and grant, and to be assessed therefor, the Council of such township shall pass a By-law: Provided the said By-law shall be approved of as in sections two hundred and twenty-six, two hundred and twenty-seven and two hundred and twenty-eight of the Municipal Act of eighteen hundred and sixty-six, chapter fifty-one, by the majority of qualified electors in the portion of a township petitioning as aforesaid:

By-law to be passed.

Amount raised by debentures.

1. For raising the amount so petitioned for by the freeholders in such portion of the township, by the issue of debentures of the township, payable within ten years, and for the payment to the said Company of the amount of said bonus or donation at the time and on the terms specified in said petition.

Assessment for repayment and sinking fund.

2. For assessing and levying upon all the rateable property lying within the section defined by said petition, an annual special rate sufficient to include a sinking fund for the repayment of debentures with the interest thereon, which township Councils are hereby authorized to execute and issue in such cases respectively.

Company authorized to agree for purchase of Port Whitby Harbour.

**18.** The said Company shall have power and authority to enter into an agreement with "The Port Whitby Harbour Company," for the purchase by the said Railway Company of the harbour known as "The Port Whitby Harbour," with all the lands and works and other property belonging to the said Harbour Company.

Erection of works thereat and at Port Perry.

**19.** The said railway company may construct at or near Port Perry, on Lake Scugog, or on the land covered with the waters thereof, such wharves, piers, warehouses, or other works, as may be required for the use of the said company, but subject to the approval of the Lieutenant-Governor in Council.

Company may take gravel and ballast, &c.

**20.** It shall and may be lawful for the said Company, their servants, agents and workmen, to enter into and upon any lands of Her Majesty, or of any person or persons, body politic or corporate, whatsoever, and to take and hold the same, for the purpose of procuring and taking gravel and ballast required

red for the construction, maintaining, or repairing the said Railway, and works, thereunto belonging, whether such lands be delineated or set out on the plans, or in the book of reference filed, in pursuance of the provisions of "The Railway Act" or not; and to lay down a track from their main line of Railway to the said gravel or ballast, so required, for the purposes of the Company, as aforesaid: Provided, always, that the said Company shall make compensation to the owner, or owners, of any such lands so taken or used, in the manner pointed out in the provisions of "The Railway Act" relating to lands and their valuation.

Proviso, for compensation.

**21.** The said Company shall have power to construct, acquire, charter, navigate, and maintain boats, vessels, and steam vessels, for carrying on trade in connection with the said Railway, and conveying goods and other traffic, and passengers, on Lake Seugog, and the inland rivers and waters into which Lake Seugog flows, or with which it is connected.

Company may charter boats, &c.

**22.** The said Company shall have power and authority to become parties to Promissory Notes and Bills of Exchange, for sums not less than one hundred dollars, and any such Promissory Note, or any such Bill of Exchange drawn, or accepted or endorsed by the President or Vice-President of the Company, and countersigned by the Secretary and Treasurer of the said Company, shall be binding on the said Company; and the said President, Vice-President, or the Secretary or the Treasurer shall not be individually responsible for the same unless the said Promissory Notes or Bills of Exchange have been issued without the sanction and authority of the Board of Directors, as herein provided and enacted; Provided, however, that nothing in this Section shall be construed to authorize the said Company to issue Notes or Bills of Exchange payable to bearer, intended to be circulated as money or as the Notes or Bills of a Bank.

Company may be parties to promissory notes, &c.

Proviso against Banking.

**23.** It shall be lawful for the Directors of the said Company for the time being, to make, execute and deliver all such bonds, debentures, mortgages, or other securities, as to the said directors, for the time being shall, from time to time, seem most expedient for raising the necessary capital for the time being authorized to be raised by the said company, or for raising any part thereof; Provided always, that the portion of the capital to be raised by bonds, debentures or mortgages, shall not exceed, at any time, the amount of the then paid-up capital stock of the said company.

Authority to issue Bonds, Debentures, &c., for the capital of the Company

Not exceeding paid up stock.

**24.** All bonds, debentures and other securities shall be executed by the President for the time being of the company, and countersigned by the Secretary, and may be made payable to bearer; and all such bonds, debentures and other securities of the said company, and all dividends and interest warrants thereon respectively, which shall purport to be payable to bearer

Bonds, Debentures, &c.  
How executed.

Assignable by  
delivery.

bearer shall be assignable at law by delivery, and may be sued on and enforced by the respective bearers and owners thereof for the time being, in their own names; Provided always, that no such debentures shall be issued for an amount less than one hundred dollars provincial currency.

Deeds and con-  
veyances to be  
in form A.

**25.** Deeds and conveyances, under this Act, for the lands to be conveyed to the said Company, for the purposes of the Act, shall and may, as far as the title to the said lands or circumstances of the parties making such conveyance will admit, be made in the form given in the schedule to this Act marked A; and all Registrars are hereby required to register in the registry books, such deeds, on the production thereof, and proof of execution without any memorial, and to minute every such entry on the deed; the said Company are to pay the Registrar for so doing the sum of two shillings and sixpence and no more.

#### SCHEDULE A.

Know all men, by these presents, that I (insert the name of wife also, if she is to release her dower, or for any other reason to join in the conveyance) do hereby, in consideration of (paid to me, or as the case may be) by the Port Whitby and Port Perry Railway Company, the receipt whereof is hereby acknowledged, grant, bargain, sell, convey and confirm unto the said Port Whitby and Port Perry Railway Company, their successors and assigns for ever, all that certain parcel or tract of land, situate (describe the land), the same having been selected and laid out by the said Company, for the purposes of their Railway: to have and to hold the said land and premises, together with everything appertaining thereto, to the said Port Whitby and Port Perry Railway Company, their successors and assigns for ever, (if dower released, add) and I (name the wife) release my dower in the premises.

Witness my (or our) hand (or hands) and seal (or seals), this  
day of one thousand eight hundred  
and

A. B. (L. S.)  
C. D. (L. S.)

Signed, sealed and delivered in  
the presence of

O. K.



## CAP. XLIII.

## An Act to extend the Cobourg, Peterborough and Marmora Railway.

[Assented to 4th March, 1868.]

**W**HEREAS, an Act was passed by the Parliament of the Province of Canada, in the sixteenth year of the reign of Her Majesty, intituled "An Act to incorporate the Cobourg and Peterborough Railway Company," under which the said Company has constructed the line of Railway thereby authorized; And, whereas, the Municipality of the County of Peterborough and the said Railway Company, by their Petitions, have represented that it would be greatly to the advantage of a large and important section of this Province that the said Railway should be extended from the Northern Terminus of the Road, in the Village of Ashburnham, to some point on Chemong Lake and waters north of Peterborough; And whereas it is expedient to grant the prayers of the said petitions; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

16 V., Cobourg and Peterborough Railway Company.

**1.** The said Company shall have power to extend their line of Railway from the Village of Ashburnham, on either side of the Otonabee River, to some point on the Chemong Lake or waters north thereof.

Extension of line.

**2.** The several powers and authorities conferred upon the Cobourg, Peterborough and Marmora Railway and Mining Company, in and by the said recited Act, and all subsequent Acts relating thereto, and the several clauses of the "Railway Act" mentioned and referred to in the said Acts, shall be construed to apply to the said extension; Provided always, that unless the said Company shall reconstruct their bridge across Rice Lake and re-open their Railway from Harwood to Ashburnham, within three years, from the passing of this Act, and complete the said extension thereof from Ashburnham to some point on Chemong Lake or the waters north thereof, within three years from the passing of this Act, then all the powers hereby conferred shall cease, and have no further effect or operation.

Certain powers and authorities to apply.

Railway Act to apply.

Proviso: if company shall not complete their extension in three years.

**3.** Sections seven, eight, nine and ten of the Statute of the late Province of Canada, passed in the Session held in the twenty-ninth and thirtieth years of Her Majesty's Reign, intituled "An Act to authorize the sale of the Peterborough and Chemong Lake Railway, and for other purposes," are hereby repealed.

29 &amp; 30 V., c: 98, secs. 7, 8, 9, 10 repealed.

## CAP. XLIV.

An Act for the conversion of the ordinary Bonds and Old Stock of the Brockville and Ottawa Railway Company into reduced New Stock, and for other purposes.

*Assented to 4th March, 1868.*

Preamble.

27th Vic. c. 37.

WHEREAS, under and by virtue of a certain Act of the Parliament of the former Province of Canada, passed in the twenty-seventh year of the reign of Her Majesty, Queen Victoria, entitled "An Act for the re-organization of the Brockville and Ottawa Railway Company, and to authorize the issue of Preferential Bonds for certain purposes," Sixty thousand pounds sterling, Preferential Extension Bonds were issued by the said company, and to secure the repayment of the same with interest, a certain mortgage was executed by the said company to certain trustees for the further security of the holders of the said Preferential Extension Bonds.

Mortgage Trustee in possession.

And whereas owing to alleged default in the payment of interest on said Bonds, the trustee, under said mortgage, has taken possession of the Railway of said company and assumed the management thereof, and has further claimed and was about to enforce the rights to foreclose and sell the said Road in consequence of such default.

Liabilities convertible.

And whereas under the said Act all the outstanding liabilities of the said company therein mentioned, have been converted, or are convertible, into ordinary bonds of the said company, ranking next after said Preferential Extension Bonds.

Preferential bondholders.

And whereas the preferential bondholders are also, to a large extent, holders of ordinary bonds.

Interest on bonds.

And whereas the interest on ordinary Bonds is accumulating and a financial re-organization of the affairs of the company is sought.

Agreement.

And whereas it has been mutually agreed by and between the said preferential bondholders and a large majority in value of the ordinary bondholders and by three-fourths in value of the shareholders, that such re-organization shall be carried into effect upon the terms set forth in the following memorandum :

Recital agreement.

"1st. The present stock and all the bonds of the company, except the Preferential Extension Bonds, to be converted into new stock by the holders thereof, at the following reduced rates, viz :

"(a) Bonds, other than Preferential Extension Bonds, at twenty-five

five cents in the Dollar, with the exception of those now held by persons who are also at this date preferential bondholders, these latter to have the privilege of converting the ordinary bonds held by them at this date, into new stock, at fifty cents in the Dollar, but this privilege not to extend to bonds purchased by them, subsequently to the passing of the Act of one thousand eight hundred and sixty-three, before mentioned.

“(b) The old paid up stock to be converted into new stock at ten cents in the Dollar.

“(c) The capital of the company to be reduced to the amount of new stock required for such conversion, and in return for the privilege conceded to the Preferential Bondholders.

“2nd. The management of the road to be restored by the Preferential Bondholders and their Trustee, to the company, and the alleged rights of the Preferential Bondholders to foreclose and sell the road, to be waived, and for ever extinguished, without prejudice to their holding the first charge on the road and on its revenues, next after the municipalities with all other legal remedies for the recovery of their interest and principal.”

And whereas an Act of the Legislature is required to carry the said recited agreement into full effect.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows :

1. The Capital Stock of the said Company is hereby reduced and fixed at the sum of five hundred thousand dollars, or such other sum, more or less, as shall be sufficient to cover the outstanding ordinary Bonds, and claims against the said Company convertible into such, and the presently existing paid up Stock of the Company converted at the rates aforesaid, and the Capital Stock of the said Company shall not be increased beyond the amount so required for the conversion aforesaid.

Capital stock reduced.

2. Such ordinary Bonds, with their overdue Coupons, of the said Company as are held by the preferential Bondholders, shall be converted into new paid up stock, in the hereinbefore mentioned capital of the said Company, at the rate of fifty cents in the dollar, on the amount of such ordinary Bonds and Coupons; but no ordinary Bonds which may have been purchased by the preferential Bondholders since the passing of the last recited Act of one thousand eight hundred and sixty-three, shall be entitled to conversion at a higher rate than twenty-five cents in the dollar.

Bonds converted into stock at 50 cents in \$1.

3. The remaining outstanding ordinary Bonds with their overdue Coupons of the said Company, not held as in the last preceding

Ditto at 25 cts.



preceding clause mentioned, shall be converted by the holders thereof into new paid up stock in the capital aforesaid, at the rate of twenty-five cents in the dollar on the amount of said Bonds and Coupons.

Old stock at 10 cents.

4. The old paid up Stock of the said Company shall be converted by the holders thereof, into new paid up Stock in the Capital aforesaid, at the rate of ten cents in the Dollar on the amount of such old paid up Stock.

Issue of new paid up Stock.

5. The new paid up Stock hereinbefore provided for shall be issued in Shares of Twenty Dollars each, any number of which may be included in a Certificate, and shall, and may be transferable in such manner, and at such time and place as may be fixed by the Directors of the Company by By-law or regulation in that behalf, and in the conversion hereinbefore provided of ordinary Bonds, holders of claims against the said Company, which by the terms of the said recited Act are convertible into such Bonds, shall be deemed and taken to be actual holders of such Bonds, and in converting into new Stock, Bonds, overdue Coupons or old Stock convertible under this Act, Scrip may be issued for any sum which falls short of being a full Share, and Scrip so issued may be transferable, and convertible into Shares in such manner as may be directed by any such By-law, and until the conversion thereof, the holders of such Scrip shall be entitled to the same proportionate rights and privileges as if new Stock of equal amount were held by them.

Time when conversion to take effect.

6. The conversion of Bonds and overdue Coupons and Stock hereinbefore provided for shall take effect immediately after the passing of this Act, and the management and possession of the said Railway undertaking shall, within four weeks thereafter, be given up and restored by the Trustee of the Preferential Bondholders aforesaid to the said Company, its Directors, servants and agents.

Restrictions as to old Bond and Shareholders.

7. From and after the passing of this Act the present ordinary Bondholders, Couponholders and Shareholders of the said company shall have no claim upon the said company at Law or in Equity in respect of said Bonds, Coupons or Shares, or any proceedings had thereon except for conversion of the same into such new stock and at the respective rates as hereinbefore provided, and the company shall on request of such ordinary Bondholders, Couponholders and Shareholders, or any of them, and upon surrender of the Bonds and Shares, certificates, or other evidence of such holding or claim thereto, issue to all and every such holders or holder, certificates of proprietorship of fully paid up shares in the new stock proportionate to the amount of Bonds, Coupons or Shares so respectively surrendered at the respective rates of conversion aforesaid such new shares being free from all calls in respect thereof.

8. From and after the passing of this Act the preferential Bondholders, Couponholders, or their Trustee under the said recited mortgage shall not have or claim any right at law or in equity to foreclose, sell, lease, or otherwise dispose of the said railway of the company or its franchises anything in the said Act hereinbefore recited, or the said mortgage to the contrary notwithstanding; nor shall it be lawful for the said company at any time hereafter to grant any such right to the said Preferential Bondholders or any person or persons on their behalf.

Restriction on preferential Bondholders.

9. Such extinguishment of the claim of the said Preferential Bondholders to foreclose, sell, lease or otherwise dispose of the said Railway shall not in any wise prejudice or injuriously affect the other rights or remedies of the said Preferential Bondholders and their said Trustee under the said mortgage and as incumbrancers upon the said undertaking to enforce payment of said Preferential Bonds or any of them, both as to principal and interest by all lawful or equitable means consistent with the Act hereinbefore first recited and the said mortgage, otherwise than by foreclosure, sale, lease or other similar disposition of the said Railway and its franchises, and amongst other rights and remedies the said Preferential Bondholders and their Trustee may apply for and obtain from the Court of Chancery a Manager and Receiver of the said Railway undertaking.

Other rights of preferential Bondholders reserved.

10. That hereafter the annual meeting for the Election of Directors shall be held on the second Wednesday of August in every year, and so much of the ninth clause of the Act of one thousand eight hundred and sixty-three, before mentioned, as is inconsistent with this clause, is hereby repealed.

Annual meeting.

11. Nothing in this Act contained shall be deemed to alter, vary or in anywise affect the claims of the Corporations of the Counties of Lanark and Renfrew, of the Town of Brockville and of the Township of Elizabethtown upon the said Railway, nor any claim, right or title of the Crown in the premises.

Certain claims not affected.

12. This Act may be cited as "The Brockville and Ottawa Amendment Act, 1868."

Title.

## CAP. XLV.

An Act to amend the Act entitled "An Act to incorporate the Ottawa City Passenger Railway Company."

[Assented to 4th March, 1868.]

Preamble.

WHEREAS, the Ottawa City Passenger Railway Company have, by their petition, represented that, from circumstances beyond their control, they may not be able to complete that portion of the said Railway lying within the limits of the City of Ottawa, within the time limited by the Act incorporating the said Company; and the Company have prayed that the time for the completion of the road may be extended, and also that certain amendments may be made to the Act incorporating the Company; And, whereas, it is expedient to grant the prayer of the petitioners; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Petition.

For extension of the time of completion and amendment of Act.

Power to connect with other lines named.

1. The powers conferred by the Act incorporating the Ottawa City Passenger Railway Company shall include the right of the said Company to construct any railway, side tracks, or switches, so as to connect the said Railway with the line of Railway of the St. Lawrence and Ottawa Railway Company, and to enable an interchange of cars, carriages, and vehicles, as hereinafter mentioned, upon the consent thereto of the last mentioned Company, and at such place or places upon the line of either of the said Companies, and in such manner as may be arranged between the said Companies; and the said Ottawa City Passenger Railway Company may enter into any arrangements with the St. Lawrence and Ottawa Railway Company, from time to time, for the interchange, transport and carriage of all cars, carriages and vehicles, passengers, freight and traffic, of either one of the said Companies, upon the line of Railway of the other of them; and for the regulation and interchange of traffic passing to and from the Railways of the said Companies, and for the working of the traffic over the said Railways, respectively, or for any or either of those objects separately, and for the division and apportionment of tolls, rates and charges, in respect of such traffic, and generally in relation to the management and working of the Railways, or either of them, or any part thereof in connection therewith, for any term not exceeding twenty-one years; Provided that nothing herein contained shall authorize the use upon the Ottawa City Passenger Railway of any power other than the power and force of animals.

Apportionment of tolls.

Proviso.

Power of the City Railway to use cars, &c.

2. The Ottawa City Passenger Railway Company may haul, run, use or employ, upon their line of Railway, any cars, carriages or



or vehicles not being the property of the said Company, and may enter into arrangements with any Companies, person or persons, owning or holding the same for the rates or tolls to be paid for the running of the same, or on the freight or traffic therein contained, and in respect to the rules to be observed by such companies, or person or persons owning or holding the same, and may make by-laws necessary for the carrying of such arrangement into effect, and the enforcing of such regulations; Provided always that no car of any description shall be run between midnight of Saturday and midnight of Sunday, and that unless and until permission has been given by resolution of the City Council no freight car shall be run over the tracks of the Company between the hours of seven o'clock in the forenoon and nine o'clock in the afternoon.

not their property.  
Rates of tolls therefor.

By-laws relating thereto.

3. The period of time by the Act of Incorporation, fixed for the completion of that portion of the railway lying within the limits of the City of Ottawa, is hereby extended to the first day of September, in the year one thousand eight hundred and seventy.

Time of completion of City Railway extended.

4. The several clauses of an Act of the Legislature of the late Province of Canada, known as the "Railway Act," with respect to the first, second and third clauses thereof, and also the several clauses of the said Act with respect to "Interpretation," "Incorporation," "Powers," "General Meetings," "Directors, and their Election and Duties," "Calls," "Shares, and their Transfer," "Shareholders," "Actions for Indemnity" (excepting section eighty-four), "Fines and Penalties, and their prosecution," and Penal Clauses, (but no other clause of the Railway Act,) shall, in so far only as the same are not inconsistent with, or repugnant to, any of the provisions of the hereinbefore recited Act incorporating the Company, or of this present Act, be incorporated with this Act; and the expression "this Act," when used in the hereinbefore recited Act, or in this present Act, shall be held and understood to include the clauses incorporated with this present Act, save and except in so far as they are inconsistent with, or varied by any of the provisions of the said hereinbefore recited Act, or of this present Act.

Certain clauses of the Railway Act to apply.

5. The Company may substitute Sleighs for Railway Carriages during the winter months upon the route of their Railway.

Sleighs may be substituted for carriages.

6. The fare shall be due and payable by every passenger on entering the Car or Sleigh, and any person refusing to pay the fare, when demanded by the Conductor or Driver, and refusing to quit the Car or Sleigh, shall be liable to a Fine not exceeding Two Dollars, recoverable before any Justice of the Peace.

Fare to be paid on entering car.

Company may  
change their  
line into other  
streets,

7. It shall be lawful for the said Company, before or after laying their Track, to alter and deviate from the line of route through the City of Ottawa, as prescribed by the fourth section of the Act Incorporating the Company; Provided always, that the consent of the City Council shall be first obtained sanctioning such alteration and deviation.

## CAP. XLVI.

An Act respecting the collection of certain Taxes in the County of Hastings.

[Assented to 4th March, 1868.]

Preamble.

Assessment  
rolls examined.

Equalizing  
Assessment.

Valuation for  
Thurlow  
\$1,060,000.

Amount pay-  
able by Thurlow  
\$9,689.

Equalization  
not made  
under By-law.

Payment by  
certain Munic-  
ipalities.

WHEREAS the County Council of the County of Hastings did, on the 14th day of June, A. D. 1865, examine the Assessment Rolls of the different Townships and Villages in the County of Hastings, and forming part of the Corporation of the said County for the preceding financial year, for the purpose of ascertaining whether the valuation made by the Assessors in each Municipality represented in said County Council for the then current year, bore a just relation to the valuation made in all the said Municipal Corporations, and thereupon the said County Council, by a report of a Committee of the whole Council, and a resolution adopting the same, did equalize the said assessed values in the said several Municipalities as authorized by the provisions of the Statute in that behalf, and in such equalization so made, the County Council did fix the valuation for the Township of Thurlow at the sum of One Million and Sixty Thousand Dollars.

And whereas the amount payable to the Corporation of the County of Hastings by the Corporation of the Township of Thurlow, for taxes for the said year 1865, for the several purposes required by the said County, was the sum of Nine Thousand Six Hundred and Eighty-nine Dollars.

And whereas, because the apportionment based on the said equalization was not made by By-law, the said Corporation of the Township of Thurlow refuse to pay, and resist the payment of the said Taxes so claimed, as aforesaid, and for that purpose have taken proceedings to restrain the collection of said Taxes.

And whereas the other Municipalities in said County have acted on the said equalization and apportionment, and have paid their proportion of the taxes of the County, based upon the said equalization and apportionment, and it is but just that the said Corporation of the Township of Thurlow should also  
pay

pay their said assessment; And whereas the two Corporations aforesaid have agreed upon the sum of nine thousand six hundred and eighty-nine dollars as the amount of the said aforesaid assessment;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. The said equalization and apportionment so made of the valuations or assessments upon the several Corporations forming the Corporation of the County of Hastings, for the year of our Lord, 1865, upon the fourteenth day of June, aforesaid, by the said report and resolution in the recital to this Act mentioned, shall be and the same are hereby declared valid and binding to all intents, and for all purposes whatsoever, and for the collection of any sum remaining unpaid in respect of the said amount of nine thousand six hundred and eighty-nine dollars, being the Taxes based on the said valuation as agreed upon, and claimed from the Corporation of the Township of Thurlow, the Corporation of the County of Hastings shall have all the powers and rights given by the Act of the Parliament of the late Province of Canada, known as the "Assessment Act of Upper Canada," and of all the powers given by any other Act in that behalf for the Collection of Taxes in arrear and unpaid by Township Corporations to County Corporations, and that they may for that purpose proceed on any warrant now issued, or may issue any new warrant for the collection of said Taxes, unless the same are paid within one year from the passing of this Act.

Equalization  
declared valid.

For collection  
of amount pay-  
able by Thur-  
low

Power to col-  
lect.

2. It shall be lawful for the Corporation of Thurlow, with the taxes for the year one thousand eight hundred and sixty-eight, to assess and levy the amount required for the purpose of paying the said sum now unpaid, to the Corporation of the County of Hastings for County purposes as aforesaid, and for that purpose it may make a special rate on the Collector's Roll or otherwise, as they may think proper.

Thurlow may  
levy rate.

3. And whereas, in several years now passed in assessing the Real Estate in the incorporated Village of Trenton, several blocks of land laid out in Village lots have been improperly assessed *en bloc*, and by reason thereof the taxes on said lands have not been collected,

Taxes of Vil-  
lage of Trenton  
uncollected.

And whereas it is reasonable and proper that said lands should be charged with the Taxes assessed upon them,

And whereas the Council of the said Village have carefully considered and examined said Assessment, and have upon each of the said lots charged the proportion of such Taxes so in arrear, which rightfully should and ought to be paid in respect of each of said lots, and which roll forms a Schedule to this Act.

As per Sched-  
ule.

Therefore



Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, also enacts as follows :

Schedule A  
legalized.

4. The assessment and apportionment made and apportioned as aforesaid, and as set forth and fixed in the said Schedule to this Act called Schedule A be and the same are declared to be legal and binding, and with so much as may be unpaid in respect of the said amount shewn against each lot in the said Schedule, the same shall be charged.

Copy of said  
Schedule to be  
posted in Regis-  
try Office,  
county of  
Hastings, &c.

5. After the passing of this Act, the said Treasurer of the County of Hastings shall cause a copy of the said Schedule to be posted in the office of the Registrar of the County of Hastings, and in the office of the Clerk of the Corporation of the Village of Trenton, and in the office of the County Clerk of the said County, and he shall cause a notice to be published in some one or more newspapers published in the said County, in the form given in Schedule B to this Act, for one year consecutively, and if, after the expiration of said one year from the day of the first publication of said notice, any part of said taxes is still in arrears and unpaid, then the said Treasurer of the County of Hastings shall, and he is hereby authorized to proceed to sell the lands on which taxes are still so in arrears, in the same manner as if the said taxes had been properly assessed and had been and were in arrears for more than five years before the taking of such proceedings to sell, and as to advertising, the costs of doing so, and the proceedings to sell and the sale, and the interest to be charged, the right of redemption, and the like, the giving of certificates of sale and deeds, all the provisions of the said Act of the Parliament of the Province of Canada, known as the "Assessment Act of Upper Canada" shall apply, and all the said proceedings, when so had, shall be legal and valid and binding upon all persons whomsoever, and all deeds and conveyances made upon and in pursuance of such sale or sales shall be valid and shall convey the property so sold in the same manner as upon a sale regularly and properly made under the said above mentioned Assessment Act, but no interest or charge for non-payment shall in any case be imposed.

Form given.

In default of  
payment lands  
may be sold.

As to advertis-  
ing, &c., the U.  
C. Assessment  
Act to apply.

Deeds and  
conveyances to  
be valid.

To whom pay-  
ment of Taxes  
hereafter shall  
be made.

6. In case of payment of said Taxes, or any of them, after the passing of this Act, such payment shall be made only to the Treasurer of the County of Hastings.

## SCHEDULE A. IN THE WITHIN ACT REFERRED TO.

A LIST SHOWING THE AMOUNT OF TAXES DUE UPON THE NON-RESIDENT LANDS IN THE VILLAGE OF TRENTON.

	No.	Am't.
West Wellington St.	3 1859, '60, '61 & '67.....	5.02
" "	5 1867.....	.75
" "	6 1867.....	.75
" "	8 1863 to '67 inclusive.....	16.49
" "	9 1863, '64 & '67.....	4.49
" "	10 1854, '65, '66 & '67.....	4.31
" "	12 1862 to '66 inclusive.....	19.68
" "	13 1859, '60, '61 & '63.....	6.23
" "	14 1867.....	.62
" "	15 1862 to '67 inclusive.....	8.42
" "	16 1854.....	1.08
" "	19 1854.....	1.23
East "	1 1861 to '67 inclusive.....	21.28
" "	2 1859 to 1864, & '67.....	13.45
" "	3 1862 '63, '64, '66 & '67.....	44.05
" "	5 1859, to '64, & '67.....	13.32
" "	6 1861 to '66.....	15.42
" "	7 1854, '56, '63 & '64.....	6.78
" "	8 1867.....	.62
" "	9 1854 to '62 incl'e & '67.....	18.71
" "	10 1863 & '67.....	2.58
" "	11 1854.....	2.09
" "	12 1854, '55, '56, & '67.....	4.28
" "	13 1859, '60, '61, '62 & '67.....	7.11
" "	14 1867.....	.62
" "	15 1854, '55 & '63.....	4.00
" "	19 1854 & '55.....	2.04
East Stanley St.	1 1862 to '67 inclusive.....	5.58
" "	2 1867.....	.45
" "	3 1854, '63 & '67.....	.74
" "	4 1862 & '63.....	2.71
" "	6 1854, '55, '56.....	1.82
" "	7 1854, '63, '66 & '67.....	3.26
" "	8 1867.....	.45
" "	9 1862, '63, '64, '65 & '67.....	4.02
" "	10 1854.....	.34
" "	11 1854, '55, '56, '63, '64.....	3.64
" "	12 1863 & '67.....	1.42
" "	13 1867.....	.45
" "	14 1854 & '59 to '67 incl'v'e.....	11.11
" "	15 1854.....	.42
" "	16 1854.....	.27
" "	17 1854 & '63.....	1.25
West "	1 1854, '55, '56, '64.....	2.89
" "	2 1854, to '56, '62 '63 & '67.....	4.16
" "	3 1862 to '67 inclusive.....	5.53
" "	5 1854, '55, '56.....	1.93
" "	6 1854, '55 & '56.....	1.93
" "	7 1867.....	.37

	No.	Am't.
West Stanley St.	8 1862 to '67 inclusive.....	5.53
" "	9 1854, '63, '64 & '67.....	2.69
" "	10 1854.....	.27
" "	11 1854, '64 '65 & '66.....	32.25
" "	12 1867.....	.37
" "	13 1862, '63, '64 & '67.....	3.62
" "	14 1863.....	.97
" "	15 1863.....	.97
East Pelham St.	2 1854 & '59 to '67 incl'e.....	6.41
" "	4 1867.....	.35
" "	5 1854, '63 & '67.....	1.04
" "	6 1867.....	.35
" "	7 1854, '62, '63, '64 & '67.....	1.81
" "	9 1854.....	.34
" "	10 1854, '63 & '67.....	1.07
" "	11 1867.....	.35
" "	12 1854.....	.34
West Pelham St.	1 1867.....	.32
" "	3 1862, '63 & '67.....	1.00
" "	4 1862 to '67 inclusive.....	2.68
" "	6 1867.....	.32
" "	8 1862, '63 & '67.....	1.00
" "	9 1862 to '67 inclusive.....	2.68
" "	11 1854, '63 & '67.....	1.02
Block A. cor. of Rear & Bond Head St...	1863 & '67.....	1.71
Block B. east of Rear & nor. of Metcalf St.	1863 & '67.....	2.25
Park Lots east of Rear St., 5 acres each...	2 1865.....	2.13
" "	3 1865.....	2.13
" "	4 1854, '56 to '58 '62 to '65.....	19.50
" "	5 1854, '56 to '67 inclusive.....	31.02
" "	6 1854 to '65 inclusive.....	26.18
" "	7 1854 to '67 do. ....	21.02
" "	8 1854 to '65 do. ....	24.08
" "	10 1854 to '66 do. ....	30.39
" "	11 1854 to '67 do. ....	31.01
" "	12 1854 to '65 do. ....	26.48
" "	13 1854 to '67 do. ....	31.02
" "	14 54, '56 to '58, '60, '61, '66 & '67.....	20.99
" "	15 1854, '56 to '67 inclusive.....	28.89
North Dundas St.	5 1854 to '65 inclusive.....	33.26
" "	6 1864.....	2.40
" "	7 1854, '56 to '58 & '60 to '67.....	14.93
Johnston Maybie sup- posed owner.....	8 '54, '56 to '58 & '60 to '66 in.....	10.69
R. C. Smith, do.....	8 1862 to '65 inclusive.....	6.52
	9 '54, '56 to '58 & '60 to '64 in.....	6.54
	10 '54, '56 to '58 & '60 to '64 in.....	6.54
	11 '54, '56 to '58 & '60 to '64 in.....	6.54
	13 1854 to '63 in. & '66 & '67.....	26.58
	14 1863.....	1.55
	15 1863.....	1.55

In



	No.	Am't
In rear of a Block be-	12 1862, '63, '64 & '66.....	3.36
longing to J. V.	13 1862, '63 & '66.....	2.72
Murphey, as shown	14 1862, '63 & '66.....	2.72
on Rubridge's Map.	15 1862, '63 & '66.....	2.72
South Dundas St...	5 54,56to58 60to62,64to66.....	7.55
" "	6 1854,'56,'57, 58, 60to66.....	8.71
" "	7 1854,'56,'57, 58, 60to66.....	8.71
" "	8 1854, '56to'60&'64to'66.....	5.75
" "	12 1854, '56,'57,'58,'59,'60.....	1.06
" "	13 1854, '56 to '60 & '64.....	5.64
" "	14 1854, '56 to '65 incl'sive .....	10.60
" "	15 1854, '56 to '65 do.....	11.87
South Dundas St.	16 1854, '56 to '65 do.....	11.87
" "	18 1859.....	.45
" "	19 1859.....	.45
" "	20 1859.....	.45
North Wilkins St.	5 1854, '56to'58&'60to'66.....	8.73
" "	6 1854, '56to'58&'60to'66.....	8.73
" "	7 1854, '56to'58&'60to'66.....	8.73
" "	8 1854, '56to'58&'60to'66.....	8.73
" "	9 1854, '56 to '67 inclusive.....	18.86
" "	10 1854, '56 to '67 do.....	18.86
" "	13 1854, '56, '57, '58, '60.....	6.34
" "	14 1854, '56to58,'60'62to65.....	9.98
" "	15 1854, '56to'58'60'62to65.....	9.98
" "	16 1854, '56to58'60'62to65.....	9.98
South Wilkins St.	7 1854, '56'57to63,'65to67.....	12.08
" "	8 1854, '56,'57to63,65to67.....	12.08
" "	5 1863.....	.78
" "	6 1862, '63, '65, '66.....	3.41
" "	9 1854, '56 to 58, '60 to '64.....	5.03
" "	10 1854, '56 to '58, '60to'64.....	5.03
" "	11 1854, '56 to '58, '60 to '64.....	5.03
" "	12 1854, '56 to 58, '60to'64.....	5.03
" "	13 1854, '56 to '64, '66&'67.....	12.29
" "	14 1854, '56 to '64, '66&'67.....	12.29
" "	15 1854, '56 to '64, '66&'67.....	12.29
" "	16 1854, '56 to 64, '66&'67.....	12.29
North Shuter St.	5 1854, '56to61'63'64to67.....	10.28
" "	6 '54,'56to'61&'63to65,'67 .....	11.08
" "	7 1854, '56to'61 & '63to'67.....	12.25
" "	8 1854, '56 to'61&'63to'67.....	12.25
" "	9 1854, '56 to '58, '60 to 64 66.....	6.16
" "	10 1854, '56 to '58, '60to'64.....	5.03
" "	11 1854, '56 to '58, '60to64.....	5.03
" "	12 1854, '56 to '58 '60 to '64.....	5.03
" "	13 1854, to '67 inclusive.....	13.03
" "	14 1854, to '67 do .....	13.03
" "	15 1854, to '67 do .....	13.03
" "	16 1854, to '67 do .....	13.03
South Shuter St.	5 1854, '56 to '61 & '63.....	5.21
" "	6 1854 to '58, & '60 to '63.....	5.21
" "	7 1854 to '58, & '60 to '63.....	5.21
" "	8 1854 to '58, & '60, '61, '63.....	5.21

South

	No.	Am't.
South Shuter St.	9 1854, '56 to '67 inclusive.....	12.22
" "	10 1854, '56 to '67 do.....	12.22
" "	11 1854, '56 to '67 do.....	12.22
" "	12 1854, '56 to '67 do.....	12.22
" "	14 1862, '63, '67.....	1.54
" "	15 1862, '63, '67.....	1.54
" "	16 1854 to '58, & '60 '61.....	5.65
South McGill St.	5 1854, '56 to '67.....	10.36
" "	6 1854, '56 to '67.....	10.36
" "	7 1854, '56 to '67.....	10.36
" "	8 1854, '56 to '67.....	10.36
" "	9 1862, '63.....	.67
" "	10 1854 to '68, & '60 to '63.....	3.10
" "	11 1854 to '58, & '60 to '63.....	3.10
" "	12 1854 to '58, & '60 to '63.....	3.10
" "	13 1859 to 1867 inclusive.....	6.11
" "	14 1859 to 1867 do.....	6.11
" "	15 1859 to 1867 do.....	6.11
" "	16 1859 to 1867 do.....	6.11
North McGill St.	5 1854 to '58, & '60 to '63.....	5.94
" "	6 1854 to '58, & '60 to '63.....	5.94
" "	7 1854 to '58, & '60 to '63.....	5.94
" "	8 1852, '63.....	1.70
" "	9 1854, '56, & '67 inclusive.....	12.23
" "	10 1854, '56 to '67 do.....	12.23
" "	11 1854, '56 to '67 do.....	12.23
" "	12 1854, '56 to '67 do.....	12.23
" "	13 1854, 56-7-8, 60-1-3, 5-6-7.....	8.49
" "	14 1854 to '58, 60, 61, 65 to '67.....	7.33
" "	15 1854, '56-7-8, 60-1, 65-6-7.....	7.33
" "	16 1854, 56-7-8, 60, 61, 65, 66.....	6.83
North Ragg St.	5 1854, '56 to '67 inclusive.....	10.36
" "	6 1854, '56 to '67 do.....	10.36
" "	7 1854, '56 to '67 do.....	10.36
" "	8 1854, '56 to '67 do.....	10.36
" "	9 1862, '63.....	.67
" "	10 1854, '55 to '58, & '60 to '63.....	3.10
" "	11 1854, '55 to '58, & '60 to '63.....	3.10
" "	12 1854, '55 to '58, & '60 to '63.....	3.10
" "	13 1859 to '61, & '63 to '67.....	4.99
" "	14 1859 to '61, & '63 to '67.....	4.99
" "	15 1859 to '61, & '63 to '67.....	4.99
" "	16 1859 to '61, & '63 to '67.....	4.99
East Queen St.	9 1854, '56 to 1862.....	8.63
" "	10 1854, '56 to 1862.....	8.63
" "	11 1854, '56 to 1862.....	8.63
" "	12 1854, '56 to 1862.....	8.63
West Front St.	9 1854 to '58, & '60 to '62.....	8.23
" "	10 1854 to '58, & '60 to '62.....	8.23
" "	11 1854 to '58, & '60 to '62.....	8.23
" "	12 1854, '56 to '58, & '60 to '62.....	8.23
East Front St.	9 1854, '56 to '66 inclusive.....	10.07
" "	10 1854, '56 to '66 do.....	10.07
" "	11 1854, '56 to '66 do.....	10.07

East

	No.	Am't.
East Front St.	12 1854, '56 to '66 do....	10.07
" "	13 1854, '56 to '58, & '60 to '67.....	4.75
" "	14 1854, '56 to '58, & '60 to '67.....	4.75
" "	15 1854, '56 to '58, & '60 to '67.....	4.75
" "	16 1854, '56 to '58, & '60 to '67.....	4.75
" "	1 1854, '56 to '58, & '60 to '67.....	11.17
" "	2 1854, '56 to '58, & '60 to '67.....	11.17
" "	3 1854, '56 to '58, & '60 to '67.....	11.17
" "	4 1854, '56 to '58, & '60 to '67.....	11.17
" "	5 1854, '56 to '58, & '60 to '67.....	4.67
" "	6 1854, '56 to '58, & '60 to '67.....	4.67
" "	7 1854, '56 to '58, & '60 to '67.....	4.67
" "	8 1854, '56 to '58, & '60 to '67.....	4.67
East Flora St.	1 1854, '56 to '58, & '60 to '67.....	4.45
" "	2 1854, '56 to '58, & '60 to '67.....	4.45
" "	3 1854, '56 to '58, & '60 to '67.....	4.45
" "	4 1854, '56 to '58, & '60 to '67.....	4.45
" "	5 1854, '56 to '58, & '60 to '67.....	2.70
" "	6 1854, '56 to '58, & '60 to '67.....	2.70
" "	7 1854, '56-7-8, 60-1-2-3-5-7.....	2.51
" "	8 1854, '56-7-8, 60-1-2-3-5-7.....	2.51
" "	9 1854, '56 to '67 inclusive.....	12.81
West Flora St.	1 1854, '56 to '58, & '60 to '67.....	11.17
" "	2 1854, '56 to '58, & '60 to '67.....	11.17
" "	3 1854, '56 to '58, & '60 to '67.....	11.17
" "	4 1854, '56 to '58, & '60 to '67.....	11.17
" "	5 1854, '56 to '58, & '60 to '67.....	4.97
" "	6 1854, '56 to '58, & '60 to '67.....	4.97
" "	7 1854, '56 to '58, & '60 to '67.....	4.97
" "	8 1854, '56 to '58, & '60 to '67.....	4.97
" "	9 1854, '56 to '59, & '60 to '67.....	10.32
" "	10 1854, '56 to '59, & '60 to '67.....	10.32
" "	11 1854, '56 to '59, & '60 to '67.....	10.32
" "	12 1854, '56 to '59, & '60 to '67.....	10.32
" "	13 1854, '56 to '58, & '60 to '67.....	4.75
" "	14 1854, '56 to '58, & '60 to '67.....	4.75
" "	15 1854, '56 to '58, & '60 to '67.....	4.75
" "	16 1854, '56 to '58, & '60 to '67.....	4.75
West Water St.	10 North $\frac{1}{2}$ , 1856.....	3.72
" "	5 1859.....	4.52
" "	7 1859 to 1863, inclusive.....	30.28
East Water St.	5 1862.....	5.88
" "	7 1862 to '64, & 1853.....	18.62
" "	12 1862 to '67 in. (C.Craig).....	15.89
" "	8 1859 to 1860, 1862, 1864 & 1866.....	14.58
North of and adjoining Dean's drug store.....	1854, 1856 to 1858, & '60 to '61.....	18.65
South of and adjoining Dean's drug store.....	1854, '56 to '58, & '60, '61 & '64.....	24.65
West Water Street and adjoining S. Cooley, 37 $\frac{1}{2}$ feet front.....	1862.....	5.88



	No.	Am't
In rear of the above, and west of Accom- modation Street...		
West Fifty Foot St.	1862, 1864.....	3.39
" "	4 1853.....	.88
" "	5 1853.....	.88
" "	6 1853, 1863, '65 & '66.....	5.45
" "	7 1853.....	.88
East Fifty Foot St.	7 1862 to '64.....	5.80
" "	8 1863. & '64.....	3.47
" "	9 1862 & '63.....	2.33
East Thirty-three Foot Street.....	4 1853.....	.88
" "	5 1853.....	.88
" "	6 1853.....	.88
" "	7 1853.....	.88
West Thirty-three Foot Street.....	4 1853.....	.88
" "	5 1853.....	.88
" "	6 1853.....	.88
" "	7 1853.....	.88
South Ridgway St.	10 1858, & 1861 to '64.....	11.14
" "	11 1858, & 1861 to '64.....	11.14
" "	12 1858, & 1861 to '64.....	11.14
" "	13 1858.....	3.60
" "	15 1858.....	3.60
North Ferry St.	2 1858, & 1860 to '65 & '67.....	30.34
" "	3 1853, 1860 to 1864.....	28.62
" "	4 1858, 1860 to 1865.....	30.22
South Ferry St.	1 1858, '60, '64 inclusive.....	17.02
" "	2 1858, '60 to '65 & '67.....	25.90
" "	3 1858, '60 to '64.....	17.02
" "	4 1858, '60 to '67 inclusive.....	23.48
" East ½ of..	5 1862, '63, '65, '66 & '67.....	5.37
East Front St.	16 1854, '56, '57, & '58.....	3.60
" "	17 1854, '56 to '58.....	3.60
" "	18 1854, '56 to '58 '62 to '64 & '66.....	11.67
" "	19 1854, '56 to '68 '62 to '66.....	12.54
West "	18 1853 '59 to '65 & '67.....	19.76
West Front St.	21 1865.....	1.71
" "	22 1857.....	3.16
" "	24 1863, '66.....	5.46
East Queen St., West Trenton.....	17 1862.....	.88
" "	18 1863.....	1.16
" "	21 1865 & '66.....	2.85
" "	22 1857.....	3.16
" "	25 1857.....	3.16
West Queen St., do.	17 1862 to '67.....	6.65
" "	18 1862 & '67.....	1.66
" "	21 1862 & '66.....	3.51
" "	22 1865 & '66.....	1.42
" "	25 1865 & '66.....	1.42
" "	26 1863 & '64.....	1.93

West

	No.	Am't
West Queen St., do...	27 1863 & '64.....	1.93
East Victoria St.	25 1864.....	.37
" "	26 1864.....	.37
" "	27 1864.....	.37
" "	28 1864.....	.37
West "	17 1865.....	1.49
" "	21 1862.....	.37
" "	22 1862.....	.37
" "	23 1862.....	.37
" "	24 1862.....	.37
" "	25 1862, '63, '64.....	1.40
" "	26 1863, '64.....	1.18
" "	27 1863 & '64.....	1.18
" "	28 1863 & '64.....	1.18
South Henry St.	13 1853 to '61, '63, '65 to '67.....	16.58
" "	14 1854 to 58, 60-2-3, 65 to 67.....	14.30
" "	15 1862 to '67.....	9.10
" "	16 1856.....	.22
South Spring St.	11 1853, '56, '61.....	5.05
" "	13 1862 & '67.....	1.66
" "	14 1867.....	.50
" "	15 1856, '57.....	2.50
West Francis St.	18 1866.....	2.61
" "	19 1866.....	2.61
" "	20 1866.....	2.61
" "	21 1854, '62.....	1.08
" "	22 1854, '62.....	1.08
" "	23 1854, '62.....	1.08
" "	24 1862.....	.22
" "	25 1852, '63, '64.....	.97
" "	26 1862, '63, '64.....	.97
" "	27 1862, '63, '64.....	.97
East Francis St.	17 1854.....	.86
" "	18 1862, '63.....	.60
" "	19 1862, '63.....	.60
" "	20 1862, '63.....	.60
" "	25 1864.....	.37
" "	26 1864.....	.37
" "	27 1864.....	.37
East Rear	17 1858, '59 to '63 & '67.....	7.48
" "	20 1854.....	.86
" "	21 1862.....	.29
" "	22 1862.....	.29
" "	23 1862.....	.29
" "	24 1862.....	.29
" "	25 1862, '63, '64.....	1.27
" "	26 1862, '63, '64.....	1.27
Store, Store House & Wharfeast Water & South Metcalf St..	1863, '67.....	71.46
The following Lands supposed to belong to the Estate of Hen- ry Lemesuir, 1st		

	No.	Am't.
Bl'k South Dundas.	18 1854, '55, '56 & '58 to '67 in.....	5.11
" "	19 1854, '55, '56 & '58 to '67 in.....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
North Wilkins St.	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
2nd Block South	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
North Shuter St.	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
3rd Block South do.	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
North McGill St.	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
4th Block South	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
North Ragg St.	17 1854, '55, '56 & '58 to '67 ".....	5.11
" "	18 1854, '55, '56 & '58 to '67 ".....	5.11
" "	19 1854, '55, '56 & '58 to '67 ".....	5.11
" "	20 1854, '55, '56 & '58 to '67 ".....	5.11
West of Rear St. and South of Dundas St. and adjoining the foregoing Blocks 15 acres more or less..	1854, '55, '58 to '67 inc'e.....	44.52
West Fifty Foot St.	11 1859 to '64, '66 & '67 ".....	23.13
" "	12 1854 to '64, '66 & '67 ".....	30.33
Old Wharf North Wa- ter St.....	11 1854 to '67 inclusive.....	42.55
" "	12 1854 to '67 ".....	42.85
1 chain Square South of Ferry St. adjoining the Water, and East of & adjoining S. Cooley's wharf..	1854, '55, '56, '58 & '60 to '66.....	28.28
South King St.	13 1859, '60, '61, '63 & '64.....	8.34
" "	16 1859 to '66 inclusive.....	14.90
" "	14 1862, '63 & '64 ".....	4.51
East Trenton. North East corner of Bridge & Water St.	1859, '60 & '62 to '67.....	61.48
		North



	No.	Am't
North Bridge St.	49 1865 & '67.....	5.28
South " "	13 1865 & '67.....	2.56
" "	14 1865 & '67.....	2.56
" "	15 1865, '66 & '67.....	7.43
" "	19 1865 & '67.....	3.49
" "	20 1865 & '67.....	4.13
West King St.	2 1865, '66 & '67.....	4.18
" "	3 1865 & '67.....	1.26
" "	4 1865 & '67.....	1.81
East Gilmour St.	9 1865 & '67.....	1.67
" "	10 1867.....	1.00
" "	11 1867.....	1.00
West Hawley St.	25 1865.....	.42
" "	26 1865 & '67.....	1.18
North Water St. foundry .....	51 1862.....	19.60
South Water St., Red Store House.....	45 1862.....	9.80
West Water St. sixty-six feet front, fifty feet South East of Stone Foundry....	1864, '65, & '66.....	19.16
Adjoining J. Jeff's orchard and South of St. in rear D. Robin's Lot $\frac{3}{4}$ of an Acre.....	1865, '66 & '67.....	9.28
North of Spring St. in rear of E. P. Ford's Lot $\frac{1}{4}$ of an acre...	1865, '66 & '67.....	2.93
North corner of Marmora and Spring St.	1862.....	3.20
South east corner of Marmora & Spring St.....	1867.....	1.00
North west corner of Marmora & Spring St.....	1867.....	.62
North Ontario St.	1 1862, '63, '64, '65 & '67.....	17. 2
" "	2 1862, '63, '64, '65, '66, '67.....	19.62
South Ontario St.	1 1862, '63, '64, '65 & '67.....	6.41
" "	2 1862, '65 & 67.....	2.59
The following Lands belonging to the Strachan Plot in Trenton.....		Am't
South Bay St.	21 1860 & '61.....	1.65
" "	22 1860 & 61.....	1.65
" "	23 1860 & '61.....	1.65
" "	24 1860 & '61.....	1.65
" "	25 1860 & '61.....	1.65
" "	26 1860 & '61.....	1.65
North Bay St.	51 1863 & '64.....	3.25
" "	52 1856, '63, '64, '65, '66 & '67.....	9.79

North

	No.		Am't
North Bay St.	55	1867.....	1.87
" "	56	1860, '61, '62.....	2.38
" "	57	1860, '61, '62.....	2.28
" "	58	1860, '61, '62.....	2.38
" "	59	1860, '61, '62.....	2.38
" "	60	1860, '61, '62.....	2.38
South John St.	61	1860, '61, '62, '63.....	3.96
" "	62	1860, '61, '62, '63.....	3.96
" "	63	1860, '61, '62, '63.....	3.96
" "	64	1860, '61.....	2.50
" "	65	1867.....	.50
" "	68	1859, '63, '64, '65 & '66.....	9.28
" "	69	1863, '64.....	3.35
" "	70	1859, '60.....	2.39
" "	72	1855.....	.85
" "	73	1859, '60, '61.....	5.00
" "	78	1857, '58, '61, '63.....	16.09
" "	79	1857, to '61 & '63.....	25.05
North John St.	81	1855.....	.85
" "	83	1858, '59 & '60.....	9.56
" "	84	1860, '61, '63 & '64.....	5.84
" "	85	1863.....	2.70
" "	88	1863 & '64.....	8.31
" "	89	1864.....	.66
" "	90	1855, '60, '61, '62.....	4.23
" "	91	1860, '61, '62.....	3.38
" "	95	1855, '60, '61, '62, '63 & '64.....	7.06
" "	96	1855, '60, '61 & '62.....	4.23
" "	97	1860, '61 & '62.....	3.38
" "	98	1860, '61 & '62.....	3.38
" "	99	1854, '55, '57, '58, '59, '60, '61 & '62.....	10.40
" "	100	1854, '55, '57, '58, '59, '60, '61 & '62.....	10.40
" "	101	1859, '60, '61 & '62.....	5.10
South King St.	102	1860, '61, & '62.....	4.84
" "	103	1862.....	1.03
" "	104	1853 & '62.....	2.03
" "	105	1856, '62 & '64.....	3.70
" "	106	1860 & '61.....	3.85
" "	109	1856 & '62.....	3.17
" "	110	1862 & '64.....	2.03
" "	112	1863 & '64.....	5.99
" "	115	1858 & '60.....	9.34
" "	120	1865, '66 & '67.....	3.23
" "	111	1856 & '59.....	2.80
" "	116	1859, '60 & '61.....	14.83
" "	117	1859, '60 & '61.....	4.27
North King St.	105	1860, '61 & '62.....	5.80
" "	121	1862, '65, '66.....	4.64
" "	124	1863.....	6.50
" "	130	1856.....	1.92
" "	132	1856, '60, '61.....	5.99
" "	131	1856, '58, '61, '62, '63, '64, '65 & '67.....	14.43
" "	134	1856, '58, '60, '63, '64, '65, '66 & '67.....	9.17
" "	135	1858, '60, '63 to '67.....	7.25

North

	No.			Am't
North King St.	136	1856.....		2.31
" "	140	1862.....		1.00
" "	141	1862.....		1.00
South Heber St.	143	1862.....		.88
" "	144	1862.....		.88
" "	145	1858, '60, '62, '63 to '67.....		7.78
" "	146	1858, '60, '62, '63 to '67.....		7.78
" "	147	1862.....		.88
" "	148	1860, '61.....		2.95
" "	149	1858, '61 to '67 inclusive.....		11.33
" "	154	1860.....		.76
" "	156	1860.....		.76
" "	157	1860.....		.76
North Heber St.	162	1858, '59, '60, '61, '62, '63, '64, '65, '66.....		15.58
" "	164	1858, '59, '60, '61, '62 & '63.....		9.81
" "	165	1858, '59, '60, '61, '62 & '63.....		9.81
" "	170	1860, '61, '62 & '67.....		4.33
" "	171	1860, '61 & '62.....		3.83
" "	172	1860, '61 & '62.....		3.83
" "	173	1860, '61 & '62.....		3.83
" "	176	1862.....		.88
" "	177	1862, '64, '65 & '67.....		2.50
" "	178	1858, '60, '61 & '62.....		4.85
" "	179	1860, '61 & '62.....		3.83
" "	180	1860, '61 & '62.....		3.83
South Crown St.	180	1860, '61 & '63.....		2.83
" "	182	1860, '61, '62, '63 & '64.....		4.58
" "	181	1860, '63.....		2.83
" "	183	1862, '63 & '64.....		1.29
" "	193	1864.....		.77
" "	194	1864.....		.77
" "	195	1860, '61, '62, '63, '64 & '66.....		7.14
" "	196	1858, '59, '60, '61, '62, '63 & '65.....		9.60
" "	197	1858, '59, '60, '61 & '62.....		6.81
" "	198	1860 to '66 inclusive.....		11.77
" "	199	1858, '60, '61, '63, '65.....		6.72
" "	184	1862, '63, '64, '65 & '67.....		3.47
" "	185	1862, '63, '65 & '67.....		2.99
" "	187	1862, '63.....		.81
" "	188	1862, '63, '65 & '67.....		2.99
" "	189	1862, '63, '65 & '67.....		2.99
" "	191	1863, '65, & '67.....		1.09
North Crown St.	201	1860, '61, '62 & '63 inclusive.....		3.56
" "	202	1860, '61, '62, '63, '65 & '67.....		6.71
" "	203	1860, '61, '62, '63 & '65.....		5.86
" "	204	1860, '61, '62, '63 & '65.....		3.56
" "	205	1860, '61, '62, '63 & '65.....		3.56
" "	206	1860, '61, '62, '63 & '65.....		3.56
" "	207	1860, '61, '62, '63, '66 & '67.....		6.48
" "	208	1858, '59, '60, '61, '62, '63 & '65.....		11.75
" "	209	1860, '61, '62 & '63.....		3.56
" "	211	1860, '61, '62 & '63.....		3.56
" "	212	1860, '61, '62 & '63.....		3.56
" "	213	1860, '61, '62 & '63.....		3.56

North



	No.		Am't
North Crown St.	214	1860, '61, '62 & '63.....	3.56
" "	215	1860, '61, '62 & '63.....	3.56
" "	216	1860, '61, '62 & '63.....	3.56
" "	217	1860, '61, '62 & '63.....	3.56
" "	218	1860, '61, '62 & '63.....	3.56
" "	219	1860, '61, '62 & '63.....	3.56
" "	220	1860, '61, '62 & '63.....	3.56
South George St.	221	1860, '61, '62 & '63.....	2.46
" "	222	1860, '61, '62 & '63.....	2.46
" "	223	1860, '61, '62 & '63.....	2.46
" "	224	1860, '61, '62 & '63.....	2.46
" "	225	1860, '61, '62 & '63.....	2.46
" "	226	1860, '61, '62 & '63.....	2.46
" "	227	1860, '61, '62 & '63.....	2.46
" "	228	1860, '61, '62 & '63.....	2.46
" "	229	1860, '61, '62 & '63.....	2.46
" "	231	1860, '61, '62 & '63.....	2.46
" "	232	1860, '61, '62 & '63.....	2.46
" "	233	1859, '60, '61 & '63.....	3.84
" "	234	1857, '60, '61, '62, '63, '65, '66 & '67.....	8.96
" "	335	1860, '61, '62, '63 & '65.....	3.10
" "	236	1860, '61, '62, '63, & '65.....	3.10
" "	237	1860, '61, '62, '63, & '65.....	3.10
" "	238	1860, '61, '62, & '65.....	3.02
" "	239	1860, '61, '62, '64 to '67.....	4.38
" "	240	1860 to '67 inclusive.....	4.99
North George St.	241	1862, '63, '64, '65 & '67.....	3.66
" "	242	1864.....	.48
" "	247	1862.....	.59
" "	248	1860, '61 & '62.....	2.24
" "	249	1860, '61, '62 & '65.....	2.88
" "	250	1860, '61, '62 & '65.....	2.88
" "	251	1860, '61, '62 & '65.....	2.88
" "	252	1860, '61 & '62.....	2.24
" "	253	1860, '61 & '62.....	2.24
" "	254	1860, '61 & '62.....	2.24
" "	255	1860, '61 & '62.....	2.24
" "	256	1860, '61 & '62.....	2.24
" "	257	1860, '61 & '62.....	2.24
" "	258	1860, '61 & '62.....	2.24
" "	259	1860, '61 & '62.....	2.24
" "	260	1860, '61 & '62.....	2.24
South Queen St.	261	1860, '61 & '62.....	2.24
" "	262	1860, '61 & '62.....	2.24
" "	263	1860, '61 & '62.....	2.24
" "	264	1860, '61 & '62.....	2.24
" "	265	1860, '61 & '62.....	2.24
" "	266	1860, '61 & '62.....	2.24
" "	267	1860, '61 & '62.....	2.24
" "	268	1860, '61 & '62.....	2.24
" "	269	1860, '61, '62 & '65.....	2.88
" "	270	1860, '61, '62 & '65.....	2.88
" "	271	1860, '61, '62 & '65.....	2.88
" "	272	1860, '61 & '62.....	2.24

South

	No.		Am't
South Queen St.	277	1860, '63 & '64.....	1.26
" "	278	1859, '60 '62, '63, '64, '65 & '67..	4.32
" "	279	1859, '60 '62 '63, '64, '65 & '67..	4.32
North Queen St.	281	1860, '61 & '62.....	2.24
" "	282	1860, '61 & '62.....	2.24
" "	283	1860, '61 & '62.....	2.24
" "	284	1860, '61 and '62.....	2.24
" "	285	1860, '61 & '62.....	2.24
" "	286	1860, '61 & '62.....	2.24
" "	287	1860, '61, '62 & '63.....	2.32
" "	288	1860, '61, '62, '63 & '66.....	5.35
" "	289	1860, '61, '62 & '63.....	2.32
" "	290	1860, '61, '62 & '63.....	2.32
" "	291	1860, '61 '62 & '63.....	2.32
" "	292	1860, '61, '62 & '63.....	2.32
" "	293	1860, '61, '62 & '63.....	2.32
" "	294	1860, '61, '62 & '63.....	2.32
" "	295	1860, '61, '62, & '63.....	2.32
" "	296	1860, '61, '62 & '63.....	2.32
" "	297	1860, '61, '62 & '63.....	2.32
" "	298	1860, '61, '62 & '63.....	2.32
" "	299	1860, '61, '62 & '63.....	2.32
" "	300	1860, '61, '62 & '63.....	2.32
South Nelson St.	301	1860, '61, '62 & '63.....	2.27
" "	302	1860, '61, '62 & '63.....	2.27
" "	303	1860, '61, '62 & '63.....	2.27
" "	304	1860, '61, '62 & '63.....	2.27
" "	305	1860, '61, '62 & '63.....	2.27
" "	306	1860, '61, '62 & '63.....	2.27
" "	307	1860, '61, '62 & '63.....	2.27
" "	308	1860, '61, '62 & '63.....	2.27
" "	309	1860, '61, '62 & '63.....	2.27
" "	310	1860, '61, '62 & '63.....	2.27
" "	311	1860, '61, '62 & '63.....	2.27
" "	312	1860, '61, '62, '63, '64, '65 & '66..	8.71
" "	313	1860, '61, '62 & '63.....	2.27
South Nelson St.	314	1860, '61, '62 & '63.....	2.27
" "	315	1857, '60, '61, '62.....	3.03
" "	316	1857, '60, '61 & '62.....	3.03
" "	317	1860, '61, '62 & '63.....	2.27
" "	318	1862, '63.....	.67
" "	319	1862.....	.59
" "	320	1862.....	.59
North Nelson St.	323	1862.....	.59
" "	324	1860 & '62.....	1.19
" "	325	1860 & '62.....	1.19
" "	326	1860, '61, & '62.....	2.19
" "	327	1860, '61 & '62.....	2.19
" "	328	1860, '61 & '62.....	2.19
" "	329	1860, '61 & '62.....	2.19
" "	330	1860, '61 & '62.....	2.19
" "	331	1860, '61 & '62.....	2.19
" "	332	1860, '61 & '62.....	2.19
" "	333	1860, '61 & '62.....	2.19

	No.			Am't.
North Nelson St.	334	1860, '61 & '62.....		2.19
" "	235	1860, '61 & '62.....		2.19
" "	333	1860, '61 & '62.....		2.19
" "	337	1860, '61 & '62.....		2.19
" "	338	1860, '61 & '62.....		2.19
" "	339	1860, '61 & '62.....		2.19
" "	340	1860, '61 & '62.....		2.19
" "	341	1860, '61 & '62.....		2.19
South Princess St.	342	1860, '61 & '62.....		1.99
" "	343	1860, '61 & '62.....		1.99
" "	344	1860, '61 & '62.....		1.99
" "	345	1860, '61 & '62.....		1.99
" "	346	1860, '61 & '62.....		1.99
" "	347	1860, '61 & '62.....		1.99
" "	348	1860, '61 & '62.....		1.99
" "	349	1860, '61 & '62.....		1.99
" "	350	1860, '61 & '62.....		1.99
" "	351	1860, '61 and '62.....		1.99
" "	352	1860, '61 and '62.....		1.99
" "	353	1860, '61 and '62.....		1.99
" "	354	1860, '61 and '62.....		1.99
" "	356	1862.....		.59
North Princess St.	371	1860, '61 and '62.....		1.99
" "	372	1860, '61 and '62.....		1.99
" "	373	1860, '61 and '62.....		1.99
" "	374	1860, '61 and '62.....		1.99
" "	375	1860, '61 and '62.....		1.99
" "	376	1860, '61 and '62.....		1.99
" "	377	1860, '61 and '62.....		1.99
" "	378	1860, '61 and '62.....		1.99
" "	379	1860, '61 and '62.....		1.99
" "	380	1860, '61 and '62.....		1.99
" "	381	1860, '61 and '62.....		1.99
South James St.	382	1860, '61 and '62.....		1.99
" "	384	1860, '61 and '62.....		1.99
" "	385	1860, '61 and '62.....		1.99
" "	386	1860, '61 and '62.....		1.99
" "	387	1853, '60 '61, '62.....		2.54
" "	388	1860, '61 & '62.....		1.99
" "	389	1860, '61 & '62.....		1.99
" "	390	1860, '61 and '62.....		1.99
" "	391	1860, '61 and '62.....		1.99
North James St.	414	1860, '61 and '62.....		1.99
" "	415	1860, '61 and '62.....		1.99
" "	416	1860, '61 and '62.....		1.99
North James St.	417	1860, '61 and '62.....		1.99
" "	418	1860, '61 and '62.....		1.99
" "	419	1860, '61 and '62.....		1.99
" "	420	1860, '61 and '62.....		1.99
North Butler St.	457	1860, '61.....		1.30
" "	458	1860, '61.....		1.30
" "	459	1860, '61.....		1.30
South Butler St.	421	1860, '61 and '62.....		1.89
" "	422	1860, '61 and '62.....		1.89

South



	No.		Am't
South Butler St.	423	1860, '61 and '62.....	1.89
" "	424	1860, '61.....	1.30
South Wood St.	460	1860, '61.....	1.30
" "	461	1860, '61.....	1.30
West Trenton.			
South of and adjoining the old Distillery East Water St. ....	1867.....		2.00
Vacant House West of and adjoining W. H. Austin's Store. ....	1867.....		6.25

I hereby certify that the Taxes on the foregoing List of Non-Resident Lands in the Village of Trenton, has been so made up, by order of the Municipal Council of the said Village, and that the same is correct as near as I can make it.

JER'H. SIMMONS, C. M. C.

## SCHEDULE B.

### NOTICE.

All persons are hereby notified that in pursuance of the provisions of the Act respecting the collection of certain taxes in the county of Hastings, passed by the Legislature of Ontario, at its last sittings, a Schedule of all taxes in arrear upon lands in the Village of Trenton has been put up in the following places, viz: in the office of the Clerk of the Village of Trenton, in Trenton, in the office of the Clerk of the County of Hastings, in the Shire Hall in Belleville, and in the office of the Registrar of the County of Hastings, in Belleville, and that unless said taxes so in arrear are paid to the Treasurer of the County of Hastings, at his office in Belleville, within one year after the day of the first publication of this notice, proceedings will be taken to sell all of the said lands upon which taxes shall then be in arrear, in the manner provided by the said Act.

Day of first publication,

1868.

Treasurer, County of Hastings.

## CAP. XLVII.

An Act to legalize a certain By-law, and certain Debentures of the County of Simcoe.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS, doubts have arisen as to the validity of a certain by-law of the corporation of the county of Simcoe, authorizing the raising of a certain sum of money for the purposes therein mentioned, by the issue of debentures, and as to the validity of the debentures issued under and by virtue of the same by-law; and it is necessary and expedient in the interests of the public and of the holders of the said debentures, that all such doubts should be removed, and that such by-law and debentures should be legalized and confirmed; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

By-law No. 157  
passed 25th  
January, 1867,  
declared valid.

I. By-law number one hundred and fifty-seven of the corporation of the county of Simcoe, passed on the twenty-fifth day of January, in the year one thousand eight hundred and sixty-seven, entitled "A by-law to provide for the consolidation of the present existing debt of the county of Simcoe, and the extension of the same over a period of fifteen years, by the issue of a new series of debentures," and the debentures issued thereunder, and all acts done and contracts entered into in pursuance thereof, are hereby legalized and declared valid, notwithstanding any want of power or authority in the said corporation to raise money as aforesaid for the purpose of consolidating its debt as in the said by-law mentioned, or any irregularity in the passing of the said by-law or preliminary to the passing thereof.

Notwithstanding  
any want  
of power, &c.

## CAP. XLVIII.

An Act to amend Chapter sixty-one of the Twenty-fourth Victoria, intituled, "An act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of Town property, and for other purposes."

[Assented to 4th March, 1868.]

Preamble.  
24 V., c. 61.

WHEREAS the Council of the Corporation of the Town of Peterborough have by petition asked authority to issue  
five

five thousand dollars of debentures in addition to the amount authorized to be issued by an act passed in the twenty-fourth year of Her Majesty's reign, and intituled "An Act to consolidate the debt of the Town of Peterborough, and to authorize the issue of debentures on the security of town property, and for other purposes," for the purpose of aiding the construction of bridges over Chemong Lake and Pigeon Creek, in the County of Peterborough; and whereas it is desirable to grant the prayer of the said petition; Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. In addition to the sum of one hundred and twenty thousand dollars for which debentures may be issued under the said act, debentures may be further issued to the extent of five thousand dollars in the same manner as in the said act is mentioned, and which said debentures shall be subject to all the provisions therein contained, in reference to the said sum of one hundred and twenty thousand dollars; Provided always that the said Council of the Town of Peterborough shall not issue any debentures under this act until such time as a By-law providing for such issue of debentures shall have been passed by the said Council, having previously received the approval of the rate-payers of the said Town in the manner provided for the creation of debts under the Upper Canada Municipal Act.

Authority to issue debentures to the extent of \$5,000 in addition to existing debt.

Proviso: debentures not to issue until By-law passed.

2. The said debentures, when issued, shall be applied to the purposes mentioned in the preamble of this act, and to no other.

How debentures applied.

## CAP. XLIX.

An Act for the Collection of Taxes for the Corporation of the Town of Belleville.

[Assented to 4th March, 1868.]

WHEREAS the Assessments of the Town of Belleville for the years 1852 to 1866, both inclusive respectively, were duly made, but in making up the Collector's Rolls for said years respectively, instead of the said Rolls being made up with several columns, that is, for the Town rate, School rate and Special rate, respectively, the whole sum to be collected for these several purposes was put in one column, without showing of what said sum was composed: And whereas more than three-fourths of said Taxes on the said several Rolls respectively, have been paid by the parties assessed, and the said Rolls have been duly returned, and it is not now possible to have them corrected by making up new Rolls:

Preamble.

Collector's Rolls from 1852 to 1866, informal.

Rolls returned.



Rolls: And whereas the Corporation of the Town of Belleville have Petitioned for relief, in order that the Taxes so remaining unpaid may be collected: And whereas it is only just to the ratepayers in the said Town who have paid their Taxes, that those in arrear shall be obliged to pay the amount so due by them respectively, and it is therefore thought proper to grant the prayer of said Petition.

Therefore be it enacted by the Legislative Assembly of the Province of Ontario, and it is hereby enacted:

New Rolls to be made up.

1. It shall be lawful for the Council of the said Town of Belleville to cause a Roll or List of all Lands entered upon the said Collector's Rolls, so informally made up as above stated, and on which the said Taxes so made up in said Rolls respectively are for one or more years in arrear as above described; and in said Roll or List there shall be charged against each of said Lots the several sums so charged against them respectively on said Collector's Rolls, and the said Roll or List shall show the years respectively for which said Lands are so charged as being in arrear.

Certified by the Clerk of the Council and published.

2. And upon said Roll or List being made up, and certified by the Clerk of the Council, the Corporation shall cause the same to be published in the *Ontario Gazette*, and in one or more newspapers printed and published in said Town consecutively for the period of two months, with a notice calling upon the person or persons owning, or who are interested in said Lands, to pay the amounts so in arrear on or before the expiration of said period of two months, or otherwise that the said Lands will be sold for the sum so in arrear as aforesaid.

With notice to pay arrears or sale of lands.

After expiration of notice Corporation may collect arrears.

3. After the publication of the said notice for the period aforesaid, the said Corporation may proceed to collect any and all arrears, but without surcharge or interest, then unpaid upon any of the said parcels of Land mentioned in said Roll or List, in the same manner as if the said Taxes had been in arrear for the period of five years, before the passing of this Act, and such arrears are, and shall be a charge on the said Lands, and for the collection thereof the said Corporation shall have all the remedies, rights and powers, and may proceed in the same manner as is provided for the collection of Taxes in and by the Act of Parliament of the late Province of Canada, known as the Assessment Act of Upper Canada: and the said Corporation shall, in addition to the said sums, collect upon each Lot or parcel of Land a proportionate amount of the costs of publication of said notice and Roll.

As provided by the U. C. Assessment Act.

With costs of publication.

Rights of redemption on sales.

4. On such sale the purchasers shall have the same rights, and the owners the same right of redemption as provided for in said Assessment Act; Provided always that nothing in this Act contained shall affect or in any way defeat any suit now pending.

5. Nothing in this Act shall apply to Lands assessed directly on the Non-resident Land Roll, nor shall the Corporation have any right to include in such Roll or List any Taxes heretofore paid; and in case of any such mistake the land shall only be liable for the sum actually unpaid, and for such sum only shall they be liable to sale.

This Act not to apply to the non-resident Land Roll.

6. The tenants or occupants of any such lands in arrears for taxes, shall, if they pay said taxes so in arrear, be at liberty to deduct from the rent so much thereof as they may not be bound to pay under their contract with the owner.

Deduction if tenants pay when not liable.

## CAP. L.

An Act to legalize a certain By-law and certain Debentures of the Corporation of the Township of Bayham.

[Assented to 4th March, 1868.]

**W**HEREAS, doubts have arisen as to the validity and legality of a certain By-law of the Municipal Corporation of the Township of Bayham, entitled "A By-law granting a loan of money to the Bayham, Richmond and Port Burwell Road Company," and which By-law was made and passed in the year of our Lord one thousand eight hundred and fifty-four—and is numbered one hundred and sixteen.

Preamble.

Doubts as to By-law No. 116.

And whereas a certain number of Debentures have been issued under the said By-law to the amount of sixteen thousand dollars (\$16,000) and no part of the principal or interest of such Debentures has been paid, except the sum of three hundred and forty dollars as interest, and the holders of the said Debentures have petitioned to have such doubts removed and the said By-law and debentures made and declared to be legal, and provision made for payment thereof and the interest thereon.

Debentures issued.

And whereas, there is now due and owing upon the said Debentures the sum of sixteen thousand dollars (\$16,000) for principal and the sum of twelve thousand one hundred and forty dollars (\$12,140) for interest from the date of the said Debentures up to the first day of January last, one thousand eight hundred and sixty-eight, making together the aggregate sum of twenty-eight thousand one hundred and forty dollars (\$28,140.)

Amount due.

And whereas the holders of the said Debentures are willing to accept twenty-nine thousand seven hundred and five dollars and forty cents in full of their claim for principal and interest

Holders of debentures willing to extend the time for payment

past

ment by ten  
annual instal-  
ments.

past and prospective, and to extend the time for the payment of the said sum over a period of ten years, from the first day of January last, by ten annual instalments.

And whereas it is just and expedient to legalize and provide for the payment of the said debentures and interest accordingly:

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

By-law con-  
firmed.

1. The said By-Law for and notwithstanding any such doubt or any irregularities in the passing of the said By-Law or matters preliminary thereto, or any insufficiency at Law therein, either in substance or form, is hereby legalized and made valid, and shall be held to have been valid from the time of the passing thereof; and all Debentures issued and proceedings and dealings heretofore made and had, or hereafter to be made or had under the said By-Law, are hereby also declared legal and valid.

Municipality  
required to  
raise the  
amount by ten  
annual instal-  
ments.

2. The said municipality shall raise or cause to be raised upon the rateable property in the said municipality the aforesaid aggregate amount or sum of twenty-nine thousand seven hundred and five dollars and forty cents by ten annual instalments, payable as follows, viz.:

Amounts.	1st January, 1869.....	\$2,970 54
	" " 1870.....	2,970 54
	" " 1871.....	2,970 54
	" " 1872.....	2,970 54
	" " 1873.....	2,970 54
	" " 1874.....	2,970 54
	" " 1875.....	2,970 54
	" " 1876.....	2,970 54
	" " 1877.....	2,970 54
	" " 1878.....	2,970 54

To be paid over  
annually to  
the holders.

which said several instalments shall be raised at the times above stated and shall be paid over annually at the office of the Treasurer of said Municipality to the holders or owners of the said debentures, his, her or their lawful representatives, in the proportion due to each of them on account of the debentures owned or held by them respectively, in or towards payment and satisfaction of such debentures and interest, and such payments shall be made on the first day of January in each of the years aforesaid; except as to debenture number one, which shall be paid as follows: to the present holder of the said debenture the sum paid by him therefor, to be established to the satisfaction of the Judge of the County Court of the County of Elgin, and certified by the said Judge to the Treasurer of the said Corporation of the Township of Bayham, with ten per cent. interest thereon from the time of such pay-  
ment



ment, and the balance to Mariall Hubbard, widow of the original holder of said debenture.

**3.** The imposition and collection of the same upon and from the ratepayers of the said municipality may and shall be made and enforced in the same manner as any other legal rate or assessment in the said municipality may be imposed or collected. Collection of rate.

## CAP. LI.

An Act to incorporate the Island of Point au Pelée, in Lake Erie, as a separate Municipality of the County of Essex,

[Assented to 4th March, 1868.]

**W**HEREAS the inhabitants of the Island of Point au Pelée, in Lake Erie have, by their petition, prayed to be set off as a separate Municipality; and whereas it is the wish of the corporation of the County of Essex, expressed by the petition of the Municipal Council thereof, that the said Island should be incorporated by itself; and it is expedient to grant the prayer of the said petitions; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows : Preamble.

**1.** From and after the passing of this Act, the Island of Point au Pelée, in Lake Erie, shall be a separate Municipality, by the name of the Corporation of the Township of Pelée, and shall have all such powers, privileges and liabilities as are now, or shall be hereafter conferred or imposed on incorporated Townships in the Province of Ontario, with the exceptions hereinafter made. Incorporation.

**1.** The Municipal Council of the said Township shall consist of a Reeve and two Councillors, who shall be elected annually. Reeve and two Councillors.

**2.** The twenty-sixth Section of the Act, and the sub-sections thereof, respecting the Municipal Institutions of Upper Canada, are hereby made to apply to the Township of Pelée : save, that by the withdrawal of the said Township from the jurisdiction of the County, the office of Reeve shall not thereby cease, but the said Reeve shall not have a seat in the County Council. 26 sec. of Municipal Act to apply.  
Exception.

**2.** For holding the first Municipal Election in and for the Township of Pelée, under this Act, the Township Clerk of the Township of Mersea shall be Returning Officer; and the said Returning Officer.

- Returning Officer shall appoint the time and place for holding the first election, within one month after the passing of this Act, of which appointment the said Returning Officer shall give notice, by notices posted in at least three conspicuous places in the said Township, ten days before the said election.
- First election.**
- Duties of Returning Officer.** 3. The duties of the said Returning Officer shall be as prescribed by law with respect to townships in the Province of Ontario.
- Qualification of Voters and Councillors.** 4. The qualifications of the voters and the persons elected as councillors at such first election, shall be that they are male freeholders or male resident householders on the said Island, of the full age of twenty-one years, and subjects of Her Majesty.
- First meeting of the Council** 5. The first meeting of the Municipal Council of the township of Pelée shall be held at such place, in the said Township, as the said Returning Officer shall appoint, at the hour of twelve o'clock, noon, on the second Monday next after such first election; and the said Returning Officer shall preside at such first meeting.
- Election of Reeve and Councillors.** 6. Elections for Reeve and Councillors for the said Township of Pelée, after the year one thousand eight hundred and sixty-eight shall be held in conformity with the provisions of law applying to incorporated townships of the Province of Ontario.
- Assessment Roll of 1868.** 7. For the year one thousand eight hundred and sixty-eight the Assessor of the Township of Pelée shall not be required to complete his roll before the fifteenth day of May.
- Repealing clause.** 8. All Acts and parts of acts and provisions of law or of parliament, and all by-laws, rules and regulations of any township or County Council in the Province of Ontario, in force in the said Province, immediately before the time when this Act shall come into force, in so far as the same may be inconsistent with or contradictory to the provisions of this Act, shall be and are hereby repealed, and shall cease to be in force, so far as respects the said Township of Pelée, from and after the day when this Act shall come in force.

## CAP. LI.

## An Act to grant certain powers to The Toronto Mutual Fire Insurance Company.

[Assented to 4th March, 1868.]

**W**HEREAS, The Toronto Mutual Fire Insurance Company, have by their petition set forth, that they are incorporated under the provisions of The Mutual Insurance Companies Act, chapter fifty-two, of the Consolidated Statutes of Upper Canada, and have carried on business as such Company in the City of Toronto, since the month of February, one thousand eight hundred and sixty-seven, and have prayed that for the better management of the affairs of the said Company, additional powers be conferred upon them, including the power of issuing policies for Mutual Life Insurance, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Preamble.

U. C. Consol.  
Stat. cap. 52.

1. The said Company may hold their Annual Meeting for the election of Directors, at such time in each year as may appear most expedient to the Board of Directors.

Time of Annual Meeting.

2. The said Company may issue policies of insurance and collect premiums thereon, in cash, for a term of one year, and persons so paying in cash shall not be liable to any further charge or assessment whatsoever; nor shall they be held to be members of the said Company in any respect.

Cash policies

No further liability.  
Not members

3. Whenever any assessment is made on any premium note given to the Company, for any risk taken by the Company, or as a consideration for any policy of insurance issued, or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company specifying such assessment, and the amount due to the Company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all Courts and places whatsoever.

Certificate of the Secretary to be *prima facie* evidence of amount due in case of action.

4. One-third of the Directors shall retire annually, and the Board of Directors shall, before the next Annual Meeting, determine among themselves by ballot, which third of the present Directors shall go out of office at the end of the first year from their election; and which third shall go out at the end of the second year from their election; the residue, and all other Directors subsequently elected shall go out at the end of the third year from their election, or at the end of the third Annual Meeting thereafter.

Certain Directors to retire annually.



Election of Directors.

5. One-third of the Directors shall be elected at each Annual Meeting, to serve for the term of three years, or until the third Annual Meeting thereafter, but\* the retiring Directors shall always be eligible for re-election.

Agents not to hold proxies.

6. No Agent or Sub-Agent of the Company shall receive or hold proxies for voting at meetings of the said Company.

Proxies to be entered.

7. No proxy shall be valid unless it be entered by the Secretary in a book kept for that purpose, at least one month before the meeting at which it is to be acted upon.

Directors, Proprietors of Guarantee Stock need not be insured.

8. Directors of the Company being proprietors of Guarantee Stock to the amount of two hundred dollars, on which not less than twenty-five per cent. has been paid up, shall not be required to be also insurers therein.

Re-insurance.

9. The Directors may make arrangements with any Mutual or other Insurance Company for the re-insurance of risks on such conditions, with respect to the payment of premiums thereon as may be agreed between them.

Vice-President.

10. The Board of Directors may annually elect one of their number to be Vice-President, and he shall, in the absence of the President, have and exercise all the powers and perform all the duties of the President.

Policies may be extended.

11. Policies issued for one year only may be extended from year to year for three years by Renewal Receipts, signed by the President, Vice-President or Managing Director of the Company, and countersigned by the Secretary, whereupon the original premium note of the assured and all the liabilities thereof shall be and continue in full force and effect for the term so extended.

Company may issue debentures.

12. The Board of Directors may issue debentures in favour of any person, firm, Banking, or other Company for the loan of money for any term not exceeding twelve months, and on such conditions as they may think proper, and may renew the same from time to time, for any such term; the whole of the premium notes and guarantee stock of the Company being held liable to pay the same at maturity: Provided always, that all the debentures at any one time outstanding, shall not exceed one-fourth the amount remaining unpaid upon the said premium notes.

Renewal.

Limitation.

Annual statement of the affairs of the Company to be furnished to the Government.

13. The said Company shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session thereafter in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities, shewing:—

(a.)

- (a). The amount in real estate.
- (b). The amount in bonds and mortgages.
- (c). The amount in notes and the securities thereof.
- (d). The amount in public debt or other stock.
- (e). The amount of moneys due to and from the said Company.
- (f). The names of all the stockholders and directors of the said Company, including the amount subscribed by each, together with the amount actually paid up on such stock.

14. Wilful and corrupt false swearing or affirming either oral or written concerning any matter or thing relating to fire insurance in the said Company, before any one having lawful authority to administer an oath or affirmation, shall be wilful and corrupt perjury; and notice to the defendant to produce any document in his possession, power, or control, shall in all actions, suits and prosecutions by the said Company let in secondary evidence thereof, if the same be not produced pursuant to the said notice.

Wilful and corrupt false swearing to be perjury.

Notice to produce documents.

Secondary evidence.

### CAP. LIII.

#### An Act for incorporating "The Royal Canadian Insurance Company."

[Assented to 4th March, 1868.]

**W**HEREAS Henry Osgoode Burritt, Esquire; Robert Lyon, Esquire; the Honorable James Skead, J. M. Currier, M. P.; Daniel McLaghlan, M. P.; F. Jones, M. P.; T. D. Harrington, Esquire; James McIntosh Bates, Esquire; William Wade, Esquire; Edward McGillivray, Esquire; Joseph Armmond, Esquire; William Henry Brouse, Esquire; William Ellis, Esquire; Mills K. Church, Esquire; and Henry Parker, Esquire; have, by their petition, prayed for the incorporation of a Company in the name, style, and title of "The Royal Canadian Insurance Company," for the purpose of insuring property against loss or damage by fire, water, or any other cause, and for the purpose of carrying on a general marine and inland insurance business, and also a general accidental life insurance business, within the Province of Ontario, and it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Stockholders  
to be a body  
corporate, ca-  
pable of hold-  
ing property,  
&c.

1. The above named petitioners, together with such other persons, bodies politic or corporate, as now are or shall hereafter become stockholders of the said Association, shall be and are hereby ordained, constituted, appointed and declared to be a body politic and corporate in law, in fact, and in name, by the name, style and title of "The Royal Canadian Insurance Company," and shall be capable in law of purchasing, holding, and conveying any estate, real as well as personal, for the use of said corporation, subject only to the rules and regulations, conditions and powers herein set forth and mentioned.

Shares to be  
\$100, and  
capital stock  
\$500,000.

2. The shares of the capital stock of said Company shall be One Hundred Dollars each, and the capital stock thereof shall be Five Hundred Thousand Dollars, and the books of subscription thereof shall be opened in the Cities of Ottawa and Toronto, and such other of the principal cities and towns of the Province of Ontario, as the Directors shall see fit; of which public notice shall be given by such person or persons, and under such regulations as a majority of the Directors hereinafter appointed shall direct; Provided always that it shall and may be lawful for said corporation to increase its capital stock to such sum not exceeding Two Million Five Hundred Thousand Dollars, as a meeting of the stockholders expressly convened for that purpose shall agree upon.

Proviso, cap-  
ital may be  
increased to  
\$2,500,000.

Ten per cent  
calls to be  
made after 40  
days' notice.

3. It shall be lawful for any person or persons, bodies politic or corporate, to subscribe for such and so many shares as he, she, or they may think fit, and ten per cent. may be called for by the Directors as soon as they may deem it expedient, and the remainder may be called for in such instalments not exceeding ten per cent. in any period of four months, as a majority of the Directors may determine upon; but such instalments shall not be called for or become payable in less than forty days after public notice shall have been given in the *Ontario Gazette*, and in at least one newspaper published in the City of Ottawa, and by circular or letter addressed (post paid) to each stockholder, at his or her last known place of residence; and if any stockholder, or stockholders, as aforesaid shall refuse or neglect to pay to said directors, or to such person or persons as they may direct the instalment due upon any share or shares held by him, her, or them, at the time or place required, such stockholder or stockholders, as aforesaid, shall forfeit such share or shares, as aforesaid, at the option of the directors, and such forfeited share or shares may be sold at a public sale by the said directors after such notice as they may direct; and the moneys arising from such sale shall be applied for the purposes of this act; Provided always that if the money produced by any such sale of shares exceeds a sum sufficient to pay the call or calls due, and interest, costs, and expenses, the surplus of such money shall on demand be paid to the owner or owners of such forfeited share or shares, and no more shares shall be sold than shall be deemed necessary to secure such arrears, interest, costs, and expenses; Provided also, that the directors or corporation

Forfeiture of  
shares for  
non-payment.

Company may  
enforce pay-  
ment.



corporation aforesaid shall have power to enforce such calls or payments by law.

4. If payment of such arrears of calls, interest, costs and expenses, be made before any share or shares so forfeited and vested in the Company shall have been sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such calls had been duly paid.

Shares to revert to holders on payment before sale.

5. And it shall only be necessary to prove, in case of action for arrears of calls, that the defendant was the owner of one or more shares in the company, that such calls were in fact made, and that notice was given as directed by this act, and it shall not be necessary to prove the appointment of the directors who made such calls, nor any other matter whatsoever.

Proof in action for calls.

6. Provided that if the whole number of shares subscribed for within the period of one calendar month after the opening of the books for subscription to stock shall exceed the limit fixed by this act for commencing business, then the subscription exceeding the number of ten shares shall be as nearly as may be proportionally decreased until the total number of shares be brought down to the limit aforesaid; but no such reduction shall prevent any person from subsequently acquiring or subscribing for any greater number of shares after such corporation shall have commenced its operations.

Stock subscriptions exceeding limit to be decreased.

7. The corporation hereby created and erected shall have power and authority to make and effect any contract or contracts of insurance or assurance with any person or persons, bodies politic or corporate, against loss or damage by fire, water, or from any other cause, on land, or inland waters, on any house, store, building, barn, shed, stable, ship, boat, sloop, shipping, or other erection, or any goods and chattels, or personal estate whatsoever, whether on shore or afloat, and either on lake or inland navigable waters, under such modifications and restrictions as may be bargained or agreed upon, or set forth, and to cause themselves to be secured against any loss or risk (either in whole or in part) as they may have incurred in the course of their business, and to transact a general accidental and compensation assurance business on the lives and persons of persons travelling by rail, water, or other means of conveyance, and against accidents generally, and to perform all other necessary matters and things connected with and proper to promote or carry out those objects; Provided always that all risks assured against shall be within the Province of Ontario.

Company to have power to insure.

8. The said corporation shall be in law capable of acquiring by purchase, lease, or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the

Company may hold and transfer real estate to \$10,000.

May invest  
funds in stocks  
&c.

the course of their business, and the same may sell, let, convey, transfer, and dispose of, as to them shall seem expedient; Provided, always, that nothing in this Act shall be considered as permission to hold, permanently, any real estate beyond the annual value of Ten Thousand Dollars; and the said corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of their funds or money, any of the public securities of the Dominion of Canada, or of any of the Provinces\* forming or to form said Dominion, the stocks of any of the banks, or other chartered companies of the Dominion, and the bonds of and debentures of any of the incorporated cities, towns, or municipal corporations of Ontario, and also to sell and transfer the same, and again to renew such investments when and so often as a due regard to the interests of said corporation may require, and also to make loans of the funds of the corporation on mortgage, at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investment to call in and re-loan, as occasion may require; Provided always that all real estate so mortgaged or conveyed in security as aforesaid, shall be sold and disposed of within seven years from the time of its becoming the absolute property of the corporation.

Board to consist of fifteen  
directors.

9. The property, business and affairs of the company shall be managed by a board of fifteen directors, one of whom shall be chosen President, and one Vice-President, and one Managing Director, which board in the first instance, and until others shall be chosen, and have accepted office, as hereinafter mentioned, shall consist of the persons mentioned in the preamble of this act as petitioners for the passing thereof and until otherwise ordered by the said board, the said Henry Osgoode Burritt shall be President, the said Robert Lyon, Vice-President, and the said James McIntosh Bates, Managing Director of said corporation, and such directors shall hold office until the election hereinafter provided for shall have taken place.

Election of new  
Directors.

10. So soon as three hundred thousand dollars of the stock of said company shall have been subscribed for and taken up and ten per cent thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario, to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of fifteen directors, by ballot, at such time as the directors hereby appointed shall appoint, giving at least fifteen days' notice in some newspaper published or to be published in the City of Ottawa, and by addressing a circular to each stockholder, at his or her last known place of residence paying the postage thereon, and depositing the same in Her Majesty's post-office, such meeting to take place at the City of Ottawa; and the said directors shall be, at the time of  
their

their election, respectively, and during their continuance in office, stockholders to the amount of not less than twenty shares of the stock of the company, and shall have power to choose from among themselves a President, Vice-President and Managing Director, and the said directors shall thereupon proceed by lot to divide themselves into three classes of five each, who shall go out of office in rotation, as hereinafter provided; Provided always that the said company shall not begin business until at least thirty thousand dollars shall have been paid up.

Qualification  
of Directors.

**11.** Each stockholder shall be entitled to one vote for each whole share of the capital stock of the company, which he, she or they shall have held in his, her, or their name or names, at least one month prior to the time of voting, (such shares to be his, her, or their property, at the time of voting), and all votes given at any meeting of the stockholders of the corporation may be either personally or by proxy, and the holders of such proxies shall be stockholders at the time of voting, and duly authorized in writing under the hands of the persons authorizing such proxies respectively, and every proposition at such meeting shall be decided by a majority of the votes of the stockholders present, including such proxies.

Stockholders  
to have a vote  
on each share.

**12.** If any director shall die, resign, or in any way become disqualified or incompetent to act as a director, or shall cease to be a director through or by any other cause than that of going out of office by rotation, as aforesaid, the remaining directors, shall forthwith elect in his place some stockholder duly qualified to be a director, and the stockholder so elected to fill up any vacancy shall continue in office until the first annual meeting following his election, and the stockholders then present, either in person or by proxy, shall elect a new director, who shall hold office for the same period as the director whose place he is to occupy would have done had he not resigned, died or become disqualified.

Appointments  
of new Direc-  
tors in case of  
vacancy.

**13.** A general meeting of the shareholders of the corporation shall be held at the City of Ottawa, on such day and at any such place, each and every year, as a majority of the Directors may appoint, after giving thirty days' notice thereof; and at such meetings the five directors whose names stand first on the list of directors shall be held to vacate their seats and the stockholders present at such meeting, either in person or by proxy, shall proceed to elect by ballot five directors to serve as directors for the ensuing three years, who shall upon election be placed at the bottom of the roll; Provided always that no retiring director shall be eligible for re-election at the next ensuing election.

Annual meet-  
ing for election  
of Directors.

**14.** The directors may nominate and appoint local or honorary directors, or both, and may designate the duties, powers, and authorities of the same when so appointed; but such local or honorary directors must be members of the corporation.

Local Direc-  
tors may be ap-  
pointed.



Annual statement to be submitted to stockholders.

**15.** At the annual general meeting of the company, and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, its business, funds, property, and securities, showing the amount in bonds, stocks, mortgages, debentures and other securities, or in public debt and other investments, and the amount due by and to the company, together with a list of the stockholders of the Company, and the number of shares held by each, and whether any calls upon such shares are in default or not.

Company not dissolved by neglect to elect directors.

**16.** If it shall happen, from any cause, at any time that an election of directors shall not take place at the proper time and place, pursuant to this Act, the said corporation shall not be dissolved from that cause, but it shall be lawful on any other day, after due notice, to hold and make an election of directors as shall have been regulated by the by-laws or ordinances of the company, and the directors in office shall so continue until a new election shall be made.

Power to make by-laws for management of affairs of Company.

**17.** Any number of the directors of the company, being a majority thereof, shall have full power and authority to make, prescribe and alter such by-laws, rules, or ordinances, and regulations as shall appear to them right, proper and needful, touching the government, management, and well-ordering of the company, its business, affairs, servants and agents, the rates and amounts of insurance and assurance, the issuing of policies, the management and disposition of its stock, property, estate and effects; and also to call in any instalment or instalments on stock, at such time or seasons, and in such manner as they may see fit (subject to the restrictions only, hereby imposed) giving due notice thereof; and also to declare and cause to be paid or distributed to the respective stockholders of the company, any dividend or dividends of profit, at such time or times and seasons as they may deem expedient; and also to appoint a Secretary and Treasurer, or either of them, with such salary or allowance to each, as well as to the Managing Director, and officers, servants, and agents of the company as may be thought reasonable, and be agreed upon, and to take security for the due performance of their respective duties, as they shall think advisable; Provided always, that for the purposes in this section mentioned, a majority of the directors shall be present, except as hereinafter specially provided.

Directors may return profits to policy-holders.

**18.** It shall be lawful for a majority of the said Directors present at a meeting called for that purpose, if they shall deem it expedient for the said company, to return to the holders of policies or other instruments, such part or parts of the actual realized profits of the Company, in such parts, shares, and proportions and at such time or times and in such manner as the said Directors may deem advisable, upon equitable, general principles applicable to all policy-holders of the same class; and

and also to enter into obligations so to do, either by endorsement on the policies or otherwise; Provided always that such holders of policies or other instruments shall not be held to be answerable in any wise for the debts or losses of the Company, beyond the premium or premiums which have been actually paid up or agreed to be paid up by them.

**19.** There shall, as may be fixed by the by-laws of the Company, be a weekly, semi-weekly, monthly, or semi-monthly meeting of the Board of Directors of the said Company, and any five or more of the Directors shall be a quorum, for the purpose of managing and transacting the details of the business and affairs of the Company; and at all meetings of the Board of Directors all questions before them shall be decided by a majority of the voices or votes; and in case of an equality of votes, the President, Vice-President, or presiding Director shall give the casting vote over and above his proper vote as a Director; Provided always, that nothing in this section contained shall authorize interference with any matter elsewhere in this Act specially provided for.

Directors to fix board meetings, and five to be a quorum.

**20.** All policies, deeds, cheques, mortgages, leases, bonds and other instruments issued or entered into by the said Company shall be signed by the President, Vice-President or Managing Director, and countersigned by the Secretary or other officer of the Company, as may be by said Directors from time to time ordered and agreed upon by By-law or ordinance of the Company, in the absence of such persons; and being so signed and countersigned, and sealed with the corporate seal of the Company, (the Company shall have a corporate seal,) shall be held to be binding upon the Company and its successors, according to the tenor and meaning thereof.

Policies, &c. to be signed and sealed.

**21.** No transfer of any share of the Corporation or Company shall be binding or valid until entered in the books of the corporation, according to such form as the Directors shall, from time to time appoint and determine upon, and until the whole of the capital stock of the Company is paid up it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always, that no Stockholder indebted to the Company shall be permitted to make a transfer or receive a dividend until such debt is paid, or secured to be paid, to the satisfaction of the Directors.

Transfer of shares not binding until entered in books and approved by Directors, if not paid in full.

**22.** Any person who, as secretary, clerk, accountant, book-keeper, or other officer of the Company, shall be guilty of any designated falsehood or fraud in any matter or thing pertaining to his office or duty, shall be guilty of a misdemeanor, and any person offering, in person, to vote at an election of Directors of the Company, who shall falsely personate another, or who shall falsely sign the name of another to a proxy, or attempt to vote in the name of another on a forged proxy or proxies, shall be guilty of a misdemeanor.

Fraud to be a misdemeanor.

Officers and stock-holders to be competent witnesses.

**23.** In all actions, suits and prosecutions in which the said Company may be engaged, any officer or stockholder shall be a competent witness, notwithstanding any interest he may have therein; Provided that nothing herein contained shall authorize a stockholder to be a competent witness in a case between the Company and himself on calls upon stock.

Stock-holders to be liable to amount of stock.

**24.** Every stockholder shall be individually liable to the Company and to the creditors thereof for an amount equal to the amount unpaid on the stock held by him, her or them for the debts and liabilities thereof, and no further.

No dividends to be paid from stock.

**25.** No dividends shall be paid out of Stock, and none shall be paid except from the genuine profits of the Corporation, its business and investments.

Penalty for paying dividend when company is insolvent, &c.

**26.** If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the Company, then existing, and for all thereafter contracted during their continuance in office respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent, do, within twenty-four hours after he shall have become aware thereof, and able to do so, enter in the minutes of the Board of Directors his protest against the same, and do, within eight days thereafter, publish such protest in at least one newspaper published at or as near as may be possible to the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

How directors may avoid such liability.

Forfeiture of act.

**27.** This present Act shall be forfeited unless Five Hundred Thousand Dollars of Stock shall have been subscribed and ten per centum paid thereon, and unless the said Corporation shall begin their business before the first day of January, one thousand eight hundred and seventy-one.

Corporate right, subject to general enactment.

**28.** The Corporate rights hereby conferred shall at all times hereafter be subject to the provisions of any general enactments to be passed with reference to Insurance Companies or the business of Insurance.



## CAP. LIV.

## An Act to grant certain powers to "The Oxford Farmers' Mutual Fire Insurance Association."

[Assented to 4th March, 1868.]

**W**HEREAS The Oxford Farmers' Mutual Fire Insurance Association have, by their petition, set forth that they have been organized and have carried on business in the Town of Woodstock, in the County of Oxford and Province of Ontario, since the month of August, one thousand eight hundred and sixty-seven, as a Mutual Fire Insurance Association, under the Act respecting Mutual Insurance Companies; And whereas, for the better management of the affairs of the Association and to enable them to compete successfully with similar associations now enjoying the privileges in the said petition prayed for, it is expedient that the prayer of the said petition be granted; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario enacts as follows:

**1.** The said Association may hold their annual meeting for the election of Directors, at such time in each year as may appear most expedient to the Board of Directors.

Annual Meetings.

**2.** The said Association may issue Policies and collect premiums thereon, in cash, for insurance for terms of one or more years, not exceeding five; and parties so paying in cash, shall not be liable to any further charge or assessment whatsoever; nor shall they be held to be members of the said Association in any respect.

Association may issue Policies.

Insured not to be members of Association.

**3.** The said Association may form a Reserve Fund to consist of all moneys which shall remain on hand in each or any year after payment of the ordinary expenses and losses of the said Association, and for that and other purposes of the said Association, the Directors may levy an annual assessment on the premium notes held by the Association; and such Reserve Fund may be applied in payment of such liabilities of the Association as cannot be provided for out of the ordinary receipts for the same or any succeeding year; Provided that no assessment for any amount over and above one-third of a dollar on each hundred dollars of insured property shall be levied in any one year, unless and until the whole of such Reserve Fund shall have become exhausted; Provided also, that such Reserve Fund shall be invested in public securities, county municipal debentures or other approved securities for the use of the corporation.

Reserve Fund may be formed. Its composition and application.

Proviso—Assessments limited.

Proviso—Investment.

Certificate of Secretary to be *prima facie* evidence in action for assessment.

4. Whenever any assessment is made upon any premium note given to the Association for any risks taken by the Association, or as a consideration for any policy of insurance issued or to be issued by the Association, and an action is brought to recover such assessment, the certificate of the Secretary of the Association specifying such assessment and the amount due to the Association on such note by means thereof, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

Non-payment for 30 days to vacate policy.

5. If the assessment on the premium note of any policy be not paid within thirty days of the day on which the notification of it shall have been mailed to the assessed party at his or her post-office address, as given by him or her in writing to the Secretary of the Company, the policy of insurance for which such assessment shall have been made shall be null and void; Provided always, that the said policy may be revived if the Company give consent thereto in writing when the said assessment shall have been paid, but that nothing shall relieve the assessed party from his liability to pay the said assessment.

Proviso--Policy may be revived.

Board to consist of nine members.

6. The Board shall consist of nine members, three of whom shall retire annually in rotation, but shall be eligible for re-election.

Classification of Directors as to order of going out of office to be determined by ballot.

7. Before the next annual meeting for the election of Directors, the Directors or a quorum of them shall determine among themselves by ballot: First, which three of the present Directors shall continue in office for one year, and the said three Directors, after such ballot, shall be known as standing first on the list of Directors; Secondly, which three of the Directors shall continue in office for two years, and such three Directors, after such ballot, shall be known as standing second on the list of Directors; and the present Directors, except the six so selected by ballot, shall all go out of office at the next meeting for the election of Directors, and at such meeting there shall be three Directors elected who shall continue in office for three years, and shall be known as standing third on the list of Directors.

Directors to retire in rotation, three every year.

8. The Directors shall retire from office in the following rotation, that is to say: Three Directors at each annual meeting commencing with the three Directors standing first on the list of Directors, and in the same manner the three Directors next on the list at every annual meeting thereafter; the retiring Directors always being eligible for re-election, and the Directors shall hold office for three years and until the next annual meeting thereafter.

Re-eligible.

Re-insurance.

9. The Directors may make arrangements with any Mutual or other Insurance Company for the re-insurance of risks on such conditions with respect to payment of premiums thereon as may be agreed between them.

10. The office of the Association shall be held in the town of Woodstock, in the Province of Ontario, as heretofore.

Office in Woodstock.

11. The Act respecting Mutual Insurance Companies being chapter fifty-two of the Consolidated Statutes for Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Oxford Farmers' Mutual Insurance Association.

Con. Stat. U. C., c. 52 to apply.

## CAP. LV.

### An Act to grant certain powers to the Waterloo County Mutual Fire Insurance Company.

[Assented to 4th March, 1868.]

WHEREAS the Waterloo County Mutual Fire Insurance Company have by their Petition set forth that they have been organized and have carried on business in the Village of Waterloo, since the month of March, one thousand eight hundred and sixty-three, as a Mutual Fire Insurance Company, under the provisions of the Act respecting Mutual Fire Insurance Companies, and have prayed that, for the better management of the affairs of the Company, additional powers may be conferred upon them, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. The said Company may hold their annual meeting for the election of Directors at such time in each year as may appear most expedient to the Board of Directors.

Annual meeting.

2. From and after the next annual meeting for the election of Directors, the Board shall consist of fifteen members, five of whom shall retire annually in rotation but shall be eligible for re-election.

Board of Directors to consist of fifteen members.

3. Before the next annual meeting for the election of Directors, to be held during the present year, the Directors, or a quorum of them, shall determine among themselves by ballot: First, which five of the present Directors shall continue in office for one year, and the said Directors, after such ballot, shall be known as standing first on the list of Directors; Secondly, which five of the present Directors shall continue in office for two years, and the said Directors after such ballot, shall be known as standing second on the list of Directors; and the present Directors, except the ten so selected by ballot.

Continuing Directors to be determined by ballot.



ballot, shall all go out of office at the next meeting for the election of Directors, and at such meeting there shall be five Directors elected, who shall continue in office for three years, and shall be known as standing third on the list of Directors.

Directors to retire in rotation.

4. The Directors shall retire from office in the following rotation, that is to say; Five Directors at each annual meeting after the next, commencing with the five Directors standing first on the list of Directors, and in the same manner the five Directors standing next on the list at any annual meeting thereafter; the retiring Directors shall always be eligible for re-election, and the Directors shall hold office for three years, and until the next annual election thereafter.

Proxies to be entered one month before meeting.

5. No Agent or sub-Agent of the Company shall receive or hold proxies for voting at meetings of the said Company, and no proxy to vote thereat shall be valid unless the same shall have been deposited with the Secretary for registration, at least one month before the meeting at which such proxies shall be acted upon.

Vice-President may be chosen.

6. The Board of Directors of said Company may annually choose one of their number Vice-President.

Separation of Business into three branches.

7. The said Company may separate their business into three branches or departments, viz:

- 1.—The Village Branch,
- 2.—The Farmers' Branch,
- 3.—Manufacturers' Branch.

Cash premiums on policies.

8. The said Company may issue policies and collect premiums in cash, for insurances, for terms of two or more years; and parties so paying in cash, shall not be liable to any further charge or assessment whatsoever, nor shall they be held to be members of the said company in any respect.

Assessment on premium notes to be in proportion to time.

9. All premium notes given within the year, for which the annual assessment is made, and all premium notes expiring during the year, shall be assessed in proportion to the time for which they are in force, and the cash premium paid at the time of insurance shall in no case be held to be part of the annual assessment.

In actions brought certificate of Secretary evidence of amount due *prima facie*.

10. Whenever any assessment is made on any premium note given to the Company for any risk taken by the Company, or as a consideration for any policy of insurance issued, or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company, specifying such assessment, and the amount due to the Company

Company on such note by means thereof, shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever.

**11.** For the purpose of equalizing the assessments which the said Company is now authorized by law to make, and of providing for the speedy and certain payment of losses incurred and for expenses of management, the said Company may from time to time raise an equalization or reserve fund by assessing its premium notes in such manner and at such times as shall appear most expedient to the Directors; Provided always, that the sum to be paid by each member shall be in proportion to his premium note, and shall not exceed one per cent. for the three years' risk on the one hundred dollars insured in the Farmers' Branch; five per cent. for the three years' risk on the hundred dollars insured in the Village Branch; and fifteen per cent. for the three years' risk on the hundred dollars insured in the Manufacturers' Branch, until the whole amount so raised shall have become exhausted.

Equalizing assessments.

Reserve fund.

Proviso.

**12.** In case of the failure or neglect on the part of any policy-holder to pay the amount of any premium note given for insurance, or any assessment thereon, on the day when the same shall be due, or within thirty days thereafter, the policy on account of which such note was given, or assessment made, shall become void and of no effect for and during such period as the said note or assessment shall remain unpaid; Provided always, that it shall be optional with the Directors to enforce payment of the said note or assessment at their discretion.

In case of failure to pay premiums.

Proviso.

**13.** The Act respecting Mutual Insurance Companies being chapter fifty-two of the Consolidated Statutes of Upper Canada, except in so far as the same may be inconsistent with this Act, shall apply in all its provisions to the Waterloo County Mutual Fire Insurance Company.

Con. Stat.U.C., c. 52 to apply.

**14.** The Act entitled an Act to grant certain powers to the Waterloo County Mutual Fire Insurance Company, passed in the twenty-ninth year of Her Majesty's reign, chapter ninety-two is hereby repealed, reserving, nevertheless, the power to complete under the provisions of said Act, any matter or thing begun under the same, if any there be.

29 V. c. 92 repealed.

## CAP. LVI.

## An Act to extend the powers of the Gore District Mutual Fire Insurance Company.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS it is expedient to extend the powers of the Gore District Mutual Fire Insurance Company: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Election of V.  
President.

**1.** One of the Directors, elected at any annual meeting for the election of Directors, shall be elected Vice-President of the Company by the said Directors, and his election shall be by ballot, at the same time that the President shall be elected.

His duties.

**2.** It shall be required of him that he shall undertake the duties of the President during his absence or illness, or during the continuance of any other cause which may prevent him from discharging said duties.

Assessment of  
Premium  
Notes at inter-  
vals.

**3.** All premium notes belonging to the Company may be assessed yearly, by the Manager of the Company, at intervals of one, two and three years from their respective dates, or whenever the policies for which such premium notes may have been given shall have expired, for such proportion of the losses and expenses of the Company as shall have been incurred since the date of said notes or of the last assessments on them respectively.

Power to issue  
Debentures, or  
Notes.

**4.** In order to enable the Board of Directors to pay losses and expenses before the assessment made especially to meet such losses and expenses shall have become due, it shall be lawful for them to issue debentures or promissory notes for periods not to exceed twelve consecutive months, under By-laws to be passed for the purpose, such debentures to be signed by the President or Vice-President, countersigned by the Secretary and to bear the corporate seal of the Company; and such By-laws shall set forth the purpose for which any debenture shall be issued, and no debenture shall be issued until an assessment shall have been declared ample to meet the loss or losses and expenses, for the early payment of which it is intended that said debenture shall be issued.

Under By-law  
setting forth  
the purpose.Debentures  
how secured.

**5.** The said debentures shall be secured on the premium notes of the Company, and it shall be lawful for the Board of Directors to borrow money on such debentures from any person, Company, or any of the chartered Banks in the Province, and to renew the same; Provided that no debenture and its renewals shall extend over twelve consecutive months; that



the discount thereon shall not exceed the rate of discount legally chargeable by the said chartered Banks, and that the total amount of such debentures shall not at any one time exceed one-fourth of the premium notes held by the Company.

6. The Directors may renew, by the issue of renewal receipts instead of policies as heretofore, policies which shall have been granted for not more than two years or for less periods, and the premium notes for such policies shall remain in full force and effect during the periods for which such renewal receipts may have been granted; Provided, always, that no such renewal shall be for a longer period than one year; that not more than two renewals shall be granted of any policy, and that each and every such renewal receipt shall be signed by the President or Vice-President, and countersigned by the Secretary.

Renewal of  
Policies.

7. No assessment receipt shall be binding on the Company unless signed by the President or Vice-President and countersigned by the Secretary of the Company.

Assessment re-  
ceipts.

8. The Company may issue policies of insurance for one year, upon which the premiums may be paid in cash, and the promissory notes for premiums dispensed with; and parties so paying in cash shall not be liable to any other charge or assessment whatsoever; and such policies may be renewed at the discretion of the Board of Directors by renewal receipts instead of by policies, on the parties insured paying the required premiums; Provided that no such renewal shall be for a longer period than one year.

Cash policies  
for one year.

9. The cash premiums so received shall be applied in payment of that proportion of the outlay of the Company, which the insured, who shall have paid such cash premiums, shall have incurred during the periods over which their respective policies may have extended, and if any surplus shall remain over and above what may have been so incurred, the same may be either returned to, or held at interest not exceeding seven per cent. per annum, for the benefit of those, (pro rata,) from whom it may have been received; or the Directors may create out of said surplus, a reserve fund to meet any deficiency that may arise from the losses and expenses of the Company during any year exceeding such an assessment as would be equivalent to the aforesaid cash premiums; Provided always, that said cash premiums shall be proportionate to the Tariff of Rates in use by the Company, and not less than the cash premiums ordinarily charged by Proprietary Companies doing Fire Insurance business in Canada.

Cash premiums  
how applied.

Reserve fund.

10. Should the Directors create a reserve fund in manner aforesaid, they shall have the power to grant to each member

Reserve fund  
scrip.

ber

ber whose profits have been contributed thereto, scrip for the amount so contributed, which scrip may bear interest at a rate not to exceed seven per centum per annum from the date of its issue, and shall become payable whenever the said reserve fund shall have amounted to such a sum of money as the Directors may deem prudent to retain as a reserve fund, and the holders of the earliest dated scrip shall be paid first.

Interest to Insurers on cash payments.

**11.** The Directors may pay interest to the insured at a rate not exceeding seven per cent. per annum on all cash payments that may be made on the premium notes of the said insured in advance of the time at which such payment may be required under any assessment, for the time which shall elapse between such payment and such assessment or assessments.

Company's Office, Galt.

**12.** That the office of the Company shall be located at Galt, as at present.

In actions for Assessment, Secretary's certificate *prima facie* evidence.

**13.** Whenever any assessment is made on any premium note given to the Company for any risk taken by the Company or as a consideration for any policy of insurance issued or to be issued by the Company, and an action is brought to recover such assessment, the certificate of the Secretary of the Company specifying such assessment and the amount due to the Company on such note by means thereof shall be taken and received as *prima facie* evidence thereof in all courts and places whatsoever.

Non-payment for 30 days to vacate policy.

**14.** If the assessment on the premium note of any policy be not paid within thirty days after the day on which the notification of it shall have been mailed and prepaid to the assessed party at his or her post office address as given by him or her in writing to the Secretary of the Company, the policy of insurance for which such assessment shall have been made shall be null and void; Provided always that the said policy may be revived if the Company give consent thereto in writing when said assessment shall have been paid, but that nothing shall relieve assessed party from his liability to pay said assessment.

Revival.

Notice of Assessment what sufficient.

**15.** A notice of assessment of the premium note of any policy shall be deemed sufficient if it embody the period over which the assessment may extend, the amount of the assessment and a copy of the preceding clause of this Act.

Con. Stat. U.C. c. 52, and amending Statutes to apply.

**16.** The Act respecting Mutual Insurance Companies being chapter fifty-two of the Consolidated Statutes of Upper Canada, and the acts in amendment thereof, except in so far as the same may be inconsistent with this Act, shall apply in all their provisions to the "Gore District Mutual Fire Insurance Company."

## CAP. LVII.

## An Act to Incorporate the Bishop Strachan School.

[Assented to 4th March, 1868.]

**W**HEREAS the Reverend John Langtry and others have, Preamble.  
 by their petition, represented that they, with others, are  
 establishing a school for the education of girls in the City of  
 Toronto, under the name and title of the Bishop Strachan School;  
 And, whereas, the usefulness of the said school will be ex-  
 tended, and the purposes for which it is formed will be promoted  
 by an act of incorporation; Therefore Her Majesty by and  
 with the advice and consent of the Legislative Assembly  
 of Ontario enacts as follows:

**1.** The Lord Bishop of the Diocese of Toronto, for the time School incorpo-  
rated.  
 being, The Reverend George Whittaker, Provost of Trinity  
 College; the Reverend John Langtry, M.A.; the Hon. John  
 Hillyard Cameron; Charles J. Campbell, Esquire; Clarkson  
 Jones, Esquire, and William Ince, Esquire, and their successors,  
 shall be and are hereby constituted a body, politic and corporate,  
 under the name of the corporation of "The Bishop Strachan  
 School," and shall have perpetual succession and a common seal,  
 and shall have power to add to their numbers and appoint their  
 successors, by election or otherwise, as may by the said corpora-  
 tion be determined upon.

**2.** The said Corporation may from time to time, and at all times Corporation  
may hold real  
and personal  
estate not ex-  
ceeding \$8,000.  
 hereafter, purchase, acquire, hold, possess and enjoy, and may  
 have, take and receive, for them and their successors, to and  
 for their actual use and occupation only, any lands, tenements  
 and hereditaments, and real and immoveable property and  
 estate within this Province, so as the annual value of the same  
 does not exceed Eight thousand dollars; Provided always,  
 that such real estate so held by the said School hereby incor-  
 porated, shall be such and such only as may be absolutely  
 required for the purposes of the School, for buildings, residences  
 for teachers and officers and grounds pertaining thereto, and  
 for the purposes of such school only; and Provided also that  
 the said corporation may mortgage, sell, alienate and dispose of  
 the said property whensoever they may deem it proper to do so;  
 and the Corporation may further acquire any other real estate  
 or interest therein, so as the same does not exceed the annual value  
 of Five thousand dollars, by gift, devise or bequest, if made at  
 least six months before the death of the party making the same,  
 and may hold such estate and interest therein for a period of  
 not more than seven years, and the same or any part or portion  
 thereof or interest therein, which may not within the said period  
 have been alienated or disposed of, shall revert to the party  
 from whom the same was acquired, his heirs or other represen-  
 tatives, And other  
estates by do-  
nation not ex-  
ceeding annual  
value of \$5,000



tatives, and the proceeds of such property as shall have been disposed of during the said period may be invested in the Public Securities and County Municipal Debentures, for the use of the said Corporation.

Election of  
council.

**3.** The first Council of the said School, shall consist of the Lord Bishop of the Diocese of Toronto for the time being, who shall be the President of the said Council, and sixteen members to be elected at a meeting of the contributors of the said School, who shall have subscribed the sum of five dollars and upwards, such meeting to be hereafter held under such rules and regulations as the Provisional Committee of the said School now acting in that behalf, shall deem expedient and adopt for that purpose.

Powers of  
council.

**4.** The said Council so to be elected as aforesaid, shall have the control, management, and government of said School, and shall have power to make rules, regulations, and By-laws, for the working and management thereof, provided, the same be not made contrary to law or the provisions of this Act, and may also determine upon the number of said Council which shall be considered a quorum thereof, and shall, in the absence of the said President, have power to appoint a Chairman to fill that office during the absence of the said President; and shall have power to appoint, from among themselves, an executive committee or committees, and all the acts and doings of said committee or committees shall have full force and effect, as if the whole council had joined in such acts or doings.

May appoint  
an executive  
committee.

Council may  
increase or re-  
duce their  
number by two-  
thirds vote.

**5.** The said Council shall have power, from time to time if they see fit so to do, to increase or reduce the number of the said Council; Provided that in no case shall any alteration be made in the number of the said Council, unless by a vote of two-thirds of the members of the said Council at the time entitled to vote, under the rules and regulations to be framed and provided by the said Council.

Vacancy in  
Council may  
be filled.

**6.** In case of a vacancy occurring by death or otherwise, in the number of the said Council, it may be filled up in such manner as the said Council shall, by their rules and regulations made in that behalf, determine upon.

Corporation to  
make return to  
Lieutenant-  
Governor  
when required,

**7.** The said Corporation shall, when required by the Lieutenant-Governor of the said Province of Ontario, make a return of its property, real and personal, with such details and information as the said Lieutenant-Governor may require.

## CAP. LVIII.

An Act respecting The London Collegiate Institute,  
and to change its name to "Hellmuth College."

[Assented to 4th March, 1868.]

WHEREAS the Very Reverend Isaac Hellmuth, Dean of Preamble.

the Diocese of Huron, Doctor of Divinity; the Very Rev. Henry James Grassett, Dean of the Diocese of Toronto, Bachelor of Divinity; the Rev. Edward Baldwin, of the city of Toronto, Master of Arts; the Rev. William Wickes, of the city of London, Doctor of Divinity; the Honorable David Lewis McPherson, of the city of Toronto, a Senator of the Dominion of Canada; the Rev. Arthur Sweatman, of the city of London, Master of Arts; Adam Crooks, Esquire, of the city of Toronto, Doctor of Laws; F. Wolferstan Thomas, of the city of London, Esq., and Major Richard John Evans, of the same place, lately of Her Majesty's 16th Regiment of Foot., have, by their Petition, represented that by an Act of the Legislature of the Province of Canada, passed in the twenty-ninth year of Her Majesty's Reign, the School established in the city of London, by the said Isaac Hellmuth, was incorporated under the title of "The London Collegiate Institute." That the said Petitioners were the Trustees thereof, under the provisions of the said Act, and that by the constitution of the said "The London Collegiate Institute," the Proprietorship and capital thereof is divided into Shares of One Hundred Dollars each. That the said School had been in successful operation for more than two years. That the said Isaac Hellmuth was originally the sole proprietor of the said Collegiate Institute, but that several of the said Petitioners had since acquired Shares therein. That it was the wish of the said Petitioners that the said title of the said Institute should be changed into that of "Hellmuth College," and that it may be declared that any proprietor or holder of any Shares in the Capital thereof, should be free from any personal liability in respect of the debts, engagements, or obligations of the said Institution, and prayed that an Act of the Legislature should be passed accordingly.

29 V. c. 96.

Title.  
London Collegiate Institute.

Shares.

Original proprietor.

Proposed change of title

And whereas it is expedient to grant the prayer of the said petitioners.

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of Ontario enacts as follows:

1. The Title of the said hereinbefore mentioned Institution is hereby changed into that of "Hellmuth College," and by such title the same shall be henceforth known, taken and acknowledged.

Title changed to Hellmuth College.

Shareholders  
exempt from  
liability.

2. Any proprietor or holder of any share in the Capital of the said Institution, is hereby declared to be free from any individual or personal liability beyond the unpaid amount of any share or shares held by him, in respect of the debts, engagements or obligations of the said Institution; Provided always that nothing herein contained shall be construed in anywise to impair, lessen or affect any such liability in respect of the present (if any), existing debts, engagements or obligations of the said Institution.

## CAP. LIX.

### An Act to Incorporate the Toronto Young Men's Christian Association.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS an Association under the name of the Toronto Young Men's Christian Association, has existed for several years in the City of Toronto, having for its object the improvement of the spiritual, intellectual, and social condition of young men, and the promotion of Christian work in that City, and is governed by a Constitution and by-laws which have received the assent of the members of the said Association; And whereas the members of the said Association have by petition prayed to be incorporated, and it is expedient to grant their petition. Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Incorporation  
of members.

1. Daniel Wilson, LL.D., Robert Baldwin, James Carlyle, M.D., B. Homer Dixon, R.N.L., George Hague, John Macdonald, Robert Walker, J. C. Hamilton, Walter B. Copp, John K. Macdonald, F. W. Kingstone, William Anderson, W. J. Morphy, William Grainger, John Laird, George Chaffy, Jr., Richard Fairecloth, W. J. Robertson, E. J. Joselin, and such other persons as now are or hereafter shall become members of the said Association, shall be and they are hereby constituted a body politic and corporate, under the name of "The Toronto Young Men's Christian Association," and shall have power to acquire and hold real estate in one block in the City of Toronto so as that the annual value of the same shall not at any one time exceed ten thousand dollars, and the same or any part thereof, to alienate, exchange, mortgage, lease, or otherwise charge or dispose of, as occasion may require; and may also acquire any other real estate or interest therein (so as that the annual value of the same shall not at any one time exceed five thousand dollars) by gift, devise or bequest, if made at least six months before the death of the party making

Power to hold  
Real Estate.

Annual value  
not exceeding  
\$10,000.



making the same, and may hold such estate or interest therein for a period of not more than seven years, and may within that period alienate or dispose of the same, and the proceeds of such estate or interest therein as shall have been so disposed of shall be invested in public securities, County or Municipal debentures, or other approved securities for the use of the said Corporation; and such estate or interest therein as may not within the said period have been alienated or disposed of, shall revert to the party from whom the same was acquired, his heirs or representatives.

2. The personal property of the said Association shall become the property of, and is hereby vested in, the said Corporation.

Personal property.

3. The said Corporation shall have for its object, the object mentioned in the Preamble to this Act, but shall also have power to engage and employ, at a salary, one or more missionaries to the destitute, degraded, or irreligious classes of the population of the said City.

Object of the Corporation.  
Employment of Missionaries.

4. The constitution and by-laws by which the said Association is now governed shall be the constitution and by-laws of the said corporation, but they or any of them may be added to, amended, or repealed, and others substituted therefor, in the manner and subject to the conditions and provisions therein stated.

Constitution and By-laws.

5. The officers and the members of the Board of Managers of the Association, at the time of the passing of this Act, shall be the officers and the members of the Board of Managers of the said Corporation, and shall retain their respective offices and positions until others shall be elected in their place.

Board of Managers.

6. The said Corporation shall, at all times, when required by the Lieutenant-Governor of the Province, make a full return of all property held by it, with such details and other information as the Lieutenant-Governor may require.

A return of all property held, &c., to be made when required.

7. The funds of the said Corporation shall be used for the purposes authorized by this Act, and nothing herein contained shall authorize the said Corporation to engage in the business of trading in Real Estate.

Corporation not to engage in trading in real estate.

## CAP. LX.

## An Act to Incorporate the Sisters of L'Hotel Dieu for the Diocese of Kingston in the Province of Ontario.

[Assented to 4th March, 1868.]

## Preamble.

**W**HEREAS, an Association of Religious Ladies hath existed for several years in the Diocese of Kingston, in the Province of Ontario, under the name of "The Sisters of L'Hotel Dieu," who have formed an institution for the reception and instruction of Orphans, and the relief of the Poor, the Sick, and other necessitous; And whereas, the said Ladies have by their Petition prayed, that the said Association may be Incorporated; and in consideration of the great benefits which must arise from the said Association, it is expedient to grant their prayer; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

## Incorporation of certain Ladies.

## Corporate name and powers.

## To acquire and hold lands.

## Sell and dispose of the same.

**1.** The Reverend Mother Julia O'Brien, Sister Mary Ann Margaret Hickey, Sister Jane Leahy, Sister Monica Brady, Sister Mary Dubuc, Sister Mary Elizabeth Morris, Sister Lucy McDougall, Sister Alice McCaffery, and such other persons as shall under the provisions of this Act, become members of the said Association, shall be, and are hereby declared to be a body politic, and corporate in deed and in name, by the name of "The Sisters of L'Hotel Dieu, for the Diocese of Kingston, in the Province of Ontario," and by that name, shall have perpetual succession and a common seal, and shall have power from time to time, to alter, renew, or change such common seal at their pleasure, and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take and receive, to them and their successors, to, and for the uses and purposes of the said Corporation, any lands, tenements, and hereditaments, and real and immoveable property and estate, situate, lying, and being within the City of Kingston and County of Frontenac, so as the same does not exceed the sum of eight thousand dollars in annual value, occupied, or hereafter to be occupied by the said Corporation for the purposes thereof, and the same to sell, alienate, mortgage, and dispose of, and to purchase others in their stead for the same purpose, and by the same name, the said Corporation may further acquire any other real estate or interest therein, so as the same does not exceed the annual value of five thousand dollars, by gift, devise or bequest if made at least six months before the death of the party making the same, and may hold such estate and interest therein for a period of not more than seven years; and the same or any part or portion thereof or interest therein which may not within

within the said period, have been alienated or disposed of shall revert to the party from whom the same was acquired, his heirs or other representatives; and the proceeds of such property as shall have been disposed of during the said period, may be invested in public securities, county, municipal debentures, or other approved securities for the use of the Corporation; and the said Corporation by the same name, shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts of Law and Equity and places, whatsoever, in as large, ample and beneficial a manner as any other body politic, or corporate, or as any persons able or capable in law, may, or can sue and be sued, implead or be impleaded, answer and be answered unto in any manner whatsoever; and the Mother Superioress and her Council for the time being, shall have power and authority to make and establish such rules, orders, and regulations, not being contrary to this Act, nor to the laws in force in this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and for the management thereof, and for the admission of members into the said Corporation, and from time to time, to alter, repeal, and change such rules, orders and regulations, or any of them, or those of the said institution, in force at the time of the passing of this Act, and shall and may do, execute, and perform all and singular other the matters and things relating to the said Corporation and the management thereof, or which shall or may appertain thereto, subject nevertheless to the rules, regulations, stipulations and provisions hereinafter prescribed and established.

Make rules and regulations.

2. Provided always that the rents, revenues, issues, and profits of all property, real or personal, held by the said corporation, shall be appropriated and applied solely to the maintenance of the members of the corporation, the construction and repairs of the buildings requisite for the purposes of the said corporation, and the payment of the expenses to be incurred for objects legitimately connected with or depending on the purposes aforesaid.

Appropriation of rents and revenues.

3. All and every the estate and property, real or personal, belonging to the members of the said Association as such, and all debts, claims and rights whatsoever due to them, in that quality, shall be and are hereby vested in the corporation hereby established, and the rules, orders and regulations now made or to be made for the management of the said Association, shall be and continue to be the rules, orders and regulations of the said corporation until altered or repealed in the manner herein provided.

Property to be vested in the corporation.

4. The Mother Superioress, and council of the said corporation for the time being shall have power to appoint such attorney or attorneys, administrator or administrators of the property of the corporation, and such officers and nurses and servants

Appointment of officers and servants.



servants of the said corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services respectively as shall be reasonable and proper.

Account to be  
laid before Par-  
liament.

5. It shall be the duty of the said corporation to lay before the Legislature of the said Province, within fourteen days after the beginning of each session, a detailed statement of the real or immoveable property or estate held by virtue of this act, and of the revenue arising therefrom.

## CAP. LXI.

An Act to Incorporate the Temporal Committee of St. Andrew's Church, in the City of Ottawa, in connection with the Church of Scotland, and to vest certain property in the said Temporal Committee.

[Assented to 4th March, 1868.]

Preamble re-  
cites deed dated  
28th November  
1828, to Trus-  
tees.

Of land in City  
of Ottawa.

WHEREAS, by deed bearing date the twenty-eighth day of November in the year of our Lord one thousand eight hundred and twenty-eight, Nicholas Sparks did grant and convey unto Thomas McKay and Matthew Connell, trustees of the Established Presbyterian Church in Bytown, (now the city of Ottawa), trustees as aforesaid, and their successors in office, all that certain parcel or tract of land and premises situate, lying and being in the city of Ottawa, (then Bytown), in the County of Carleton and Province of Ontario, containing by admeasurement half-an-acre, be the same more or less, being composed of lot number three on the south side of Wellington street, lot B on High street, lot number three on Sparks street north side thereof, half of number four on the north side of Sparks street, and half of number four on the south side of Wellington street in Upper Town in the city of Ottawa and County of Carleton, otherwise known as part of lot letter C, concession C, west of the Rideau, in the township of Nepean, in the County of Carleton aforesaid; which said parcel or tract of land is butted and bounded, or may be otherwise known as follows, that is to say: Commencing in the western limit of the allowance for road between concessions C and D, otherwise known as Wellington street in Upper Town, at the northeast angle of lot number three on the south side of Wellington street aforesaid, then south sixteen degrees east three chains more or less, to Sparks street aforesaid, then south sixty-six degrees west one chain and fifty links more or less, to the centre of lot number four on the north side of Sparks street, then north sixteen degrees west three chains more

more or less to Wellington street aforesaid and in Upper Town, then north sixty-six degrees east one chain and fifty links more or less to the place of beginning; whereon the congregation of said Saint Andrew's Church built a church and manse which have continued to be used respectively as a place of worship and dwelling-house for the clergyman of the said church. And whereas there is now held in trust for the congregation of the said Saint Andrew's Church in Ottawa, in connection with the Church of Scotland, that piece of land known as lot letter H, in concession C, in the township of Nepean, in the County of Carleton, known as the Glebe Lot, excepting that part of said lot reserved by the Ordnance Department on the Rideau Canal.

St. Andrew's  
Church built  
thereon.

Lot lettered  
H, township of  
Nepean.

And whereas by deed bearing date the first day of December, in the year of our Lord one thousand eight hundred and forty-nine, the said principal officers of Her Majesty's Ordnance Department, did grant, convey, and confirm unto Thomas McKay, Donald McArthur and Edward McGillivray, their heirs and assigns forever, all that piece or parcel of land, situate in the said town of Bytown (now the city of Ottawa), and theretofore set apart by the said principal officers of Her Majesty's Ordnance Department as a burial ground for the use of the congregation of the Presbyterian Church in Bytown, in connection with the Church of Scotland, pursuant to the plan thereto annexed, described as follows: Commencing three chains two and a half links south fifty-nine degrees forty-one minutes west astronomically from a point north thirty degrees forty-eight minutes west astronomically one chain from the most southerly of the two boundary stones planted on the west side of Wertemburg street; thence from the commencement so established south, fifty-nine degrees forty-one minutes west astronomically, three chains two and a-half links to the eastern line of Charlotte street, thence along that street north thirty degrees forty-eight minutes west astronomically, seven chains nine links; thence north fifty-nine degrees seventeen minutes east astronomically three chains two and one-half links; thence along the divisional line between this burial ground and that of the Episcopalian Church south thirty degrees forty-eight minutes east astronomically seven chains eleven and a quarter links to the point of commencement; containing within the above bounds an area of two acres and twenty-three and a-half perches, the foregoing description being in accordance with the plan of record in the Ordnance Lands Office, made by P. L. S. I. Stoughton Dennis, of his survey under instructions from the Crown Land Department; to have and to hold unto the said Thomas McKay, Donald McArthur, and Edward McGillivray, their heirs and assigns forever, to the use of the said Thomas McKay, Donald McArthur, and Edward McGillivray, their heirs and assigns, upon trust that they the said Thomas McKay, Donald McArthur, and Edward McGillivray, their heirs and assigns, should and would at all times thereafter hold the said piece

Deed dated  
1st. December,  
1849, from the  
Ordnance De-  
partment of  
land in Ottawa.

Habendum to  
Trustees.

For a burial-ground.

piece or parcel of land to and for the said congregation to be used by the said congregation as a burial ground, and to and for no other use or purpose whatsoever; Provided always, and the said deed now in recital was declared to be upon this express condition that at all times thereafter, all officers, non-commissioned officers and privates, and others in Her Majesty's service, should and might be interred in the said burial ground, without any charge being made for breaking ground for the purpose of interment, which said piece or parcel of land has been ever since the execution of the said deed now in recital, and is now used as a burial ground and to and for no other use or purpose.

And whereas the congregation of said St. Andrew's Church have, by their petition, prayed for the incorporation of the said Temporal Committee, and that the said hereinbefore described property should be vested in the said Temporal Committee and their successors, and it is expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Lands to become vested in persons incorporated.

1. The said lands and premises hereinbefore described, including those mentioned in the said deed of the twenty-eighth day of November, one thousand eight hundred and twenty-eight, and the church, manse and buildings thereon erected and all the appurtenances thereof, and the said burial ground conveyed under and by the said deed of the first day of December, one thousand eight hundred and forty-nine, and the said "Glebe Lot" being said Lot Letter H in concession C, Rideau Front of the said Township of Nepean, excepting the said Ordnance Reserve, and the rents, issues and profits of the said several premises are hereby vested in Edward McGillivray, Charles S. Macnutt, George E. Elliott, Thomas Patterson, James Baine, Archibald C. Mowbray and Henry F. Bronson who, and their successors in office to be elected in manner hereinafter provided, are hereby constituted and declared to be a body politic and corporate, by the name and style of "The Temporal Committee of St. Andrew's Church in the City of Ottawa, in connection with the Church of Scotland," and shall have all the rights and powers vested in corporations generally by the Interpretation Act.

Name and style.

Lands vested to be held on trusts mentioned.

2. The said lands and premises hereby vested in the said corporation shall be held by the said corporation forever to, upon, and for the trust, purposes and uses declared and expressed in respect of the same in and by this Act and in and by the said deeds and grants of conveyance thereof, respectively.

Corporation may acquire real estate to \$6,000 per annum.

3. It shall be lawful for the said Corporation to acquire by any lawful title, whether by purchase, donation, exchange, or as a legacy or otherwise, real estate within the City of Ottawa or County of Carlton, to and for the purposes mentioned and specified herein, to the extent of six thousand dollars in annual value;



value; Provided that no bequest or gift to the said Corporation shall be valid unless made at least six months before the death of the party making the same. Proviso.

4. The said corporation shall have power to lease all and singular, the said described lands and premises, (except the said burying ground, or any part thereof,) and also to lease or sell pews or parts of pews, and to collect, sue for and recover the rents or purchase money thereof, respectively, and with the proceeds thereof and with such other revenues and moneys as may come into their hands for the purpose, to keep and maintain the church and buildings and the fence surrounding the said burial ground in an efficient condition, and to derive revenue therefrom for the purposes of the said church and congregation, and also to improve or enlarge the church and manse already erected, and also to pay the retiring allowance guaranteed to the Reverend Alexander Spence, D. D., of three hundred dollars per annum, during his lifetime; and also to and for such other purposes connected with the temporal affairs of the said congregation, as a majority of the members thereof, qualified to vote for the election of the Temporal Committee, as hereinafter provided, at any annual or special meeting of the congregation shall direct and appoint; and to maintain one or more clergymen, eligible and qualified according to the constitution of the Church, to officiate to the said congregation: Provided always, that the said corporation shall lease such lands and premises, and sell or lease such pews upon such terms and conditions, and at such rent and such only as shall be settled and appointed at meetings of the congregation, to be holden as hereinafter appointed, or as shall be laid down in By-laws made at such meeting; and also, Provided that any lease or conveyances shall be prepared at the costs and charges of the lessees or purchasers and tendered to the said corporation for execution; Provided that nothing in this Act contained shall interfere with any contracts or agreements already made for leasing the said Glebe lot or any part thereof. Power to lease (except burying-ground) and sell or lease pews  
Application of proceeds..

5. It shall be lawful for the said corporation to sell, alienate or mortgage the lands and premises or any part thereof, held or to be held by them for the trusts and purposes declared and expressed in respect thereof, in and by this Act, and in and by the said deeds and grant thereof respectively, and to apply the proceeds of such sale or mortgage to the purposes aforesaid, and to invest the same or a part thereof in other property, in such manner and for such purposes and uses of the Church, as the congregation may at any annual or special meeting, called as hereinafter provided, shall decide, and the construction and erection on property so acquired, of a new church or place of worship for the said congregation, or for enlarging or improving and repairing the said Church and Manse already built on said property; but they shall not be empowered to sell, alienate or mortgage such lands and premises, Power to sell.  
Application of proceeds.  
Erection of a new church.  
Sale or mortgage subject to

pew-owners  
consent.

premises, or any part thereof, except at the request, and with the consent in writing, signed by two-thirds of the proprietors or lessees of pews or half pews, present at such meeting in the Church or place of worship of the said Congregation, of at least one year's standing, and not in arrear for rent, and except notice calling a general meeting of the said Congregation for the purpose of such requisition and consent, be given from the pulpit of the Church or place of worship of the said Congregation, before or after morning service, at least two successive Sundays immediately preceding the day appointed for such meeting, which said request and consent must be annexed to all deeds, mortgages, or other conveyances for effectuating such sale, alienation or mortgage; but no such deed, mortgage or other conveyance, (except leases and deeds of burial lots in the said burying ground) shall be valid unless sanctioned by two-thirds vote as aforesaid, of the proprietors or lessees of pews or halves of pews as aforesaid, and unless such request and consent in writing signed as aforesaid be annexed thereto; Provided always that the said Corporation shall not in any case lease or mortgage the said burial ground, or any part thereof, nor alienate or mortgage Lot letter H in Concession C, in the Township of Nepean, known as the Glebe Lot; and also, Provided always that the purchasers or mortgagees of real estate shall not in any case be bound or liable for the application of the consideration or mortgage money respectively, or any part thereof, and that a receipt for the same from the said Corporation or their Treasurer shall in all cases be a full discharge.

Consent an-  
nexed to deeds,  
&c.

Burial-ground  
excepted.

Proprietors of  
pews to be en-  
titled to same  
rights in new  
church.

6. In case of the sale at any time of the Church or place of worship, held or to be held by the said Corporation, the proprietors of pews therein, shall be entitled to the same rights, and shall be proprietors to the same extent in the Church or place of worship to be erected or acquired, with the proceeds of such sale or otherwise by the said Corporation, and the prices at which such pews in the Church so sold have been conveyed before the passing of this Act or by the said Corporation after the passing of the Act, shall be allowed, and credited to the proprietors towards the purchase by them of pews in the Church to be so erected or acquired.

Purchasers of  
pews to have a  
freehold there-  
in.

7. In case of the absolute purchase of any pew in such Church or place of worship, the same shall be construed as a Freehold of inheritance, not subject to forfeiture, except as hereinafter provided, by change of residence, or by discontinuing to frequent the same, and the same may be bargained, sold, or assigned to any purchaser thereof, and such purchaser, provided the same be duly assigned and conveyed to him, shall hold the same with the same rights, and subject to the same duties and charges as the original purchaser thereof; Provided, that if by reason of a change of residence, or by discontinuing to frequent the said Church, any pew shall not be occupied by such pew holder or his family, or other person under his author-  
ity,

Unoccupied  
pews.

ity, the said Corporation shall have the power to lease the said pew from year to year, in such manner and subject to such conditions for the re-occupation of the same by such proprietor on request as shall be provided by the by-laws of the said Corporation; and also Provided, that if the rent of any pew shall be unpaid for two successive years, all right to such pew shall be forfeited by the proprietors thereof, and the right and title to all pews so forfeited shall be and become vested in the said Corporation immediately after such forfeiture.

Forfeiture of  
pew.

8. The rent charge to be paid by proprietors of pews and the rent to be paid by the lessees of pews, or parts of pews shall be regulated from time to time by a majority of those present, and qualified to vote at the meetings of the said Congregation called and held as hereinafter provided.

Pew charges,  
how regulated.

9. The said Corporation may make, establish, and put in execution, alter or repeal such by-laws, rules and regulations respecting the temporal affairs of the said Congregation, as shall not be contrary to the laws of this Province, or to the provisions of this Act, and as may appear to the said corporation necessary or expedient for the interests thereof; Provided, that such by-laws shall have no force or effect, unless and until the same shall be approved and ratified by a majority of the proprietors or lessees of pews, or parts of pews, qualified to vote as hereinafter provided at the annual meeting of the congregation, or at a special meeting, called for the purpose of submitting such by-laws for ratification.

Corporation  
may make  
rules, &c.

Proviso.

10. At all the meetings of the said corporation, duly convened, any four members thereof shall form a quorum for the transaction of business, and it shall be the duty of the Secretary of the said corporation to call a meeting whenever required so to do by any two of the members of the Temporal Committee or by the President.

Quorum.

11. On the first Monday of March next, after the passing of this Act, all the members of the Temporal Committee hereinbefore named, shall go out of office, and shall cease to be members of the Temporal Committee for any purpose connected with the property held or to be held, in trust as aforesaid, or with the affairs of the said congregation, but shall not, by reason of having been previously members of the Temporal Committee, be disqualified from being re-elected in the manner hereinafter mentioned, nor shall any member thereof who may be hereafter elected, from the fact of having been such member, be disqualified for re-election after his term of office shall have expired.

Retiring Offi-  
cers.

12. All proprietors of pews and lessees of pews or parts of pews, whether holding the same before the passing of this Act, or from the said corporation after the passing of this Act, and such only shall be considered members of the said

Proprietors of  
pews, their  
right to vote.



said congregation for the purposes in this Act mentioned and declared, shall have a right to vote upon all matters submitted at the meeting of the congregation called as hereinafter directed; Provided that no such proprietor or lessee of pews, or parts of pews, shall be entitled to vote at any meeting of the congregation unless he shall have been the actual occupant of a pew, or part of a pew, for at least one year immediately previous to such meeting, and unless all the pew rent due and payable by him or her, shall have been paid in full up to the date of such meeting.

Annual general meetings. Notice to be given

**13.** An annual general meeting of the said congregation shall be held on the first Monday in March in each year, in the building used by the said congregation as a place of worship, notice of which meeting shall be given from the pulpit of the said church during the service on Sunday, at least two Sundays before the day appointed for such general meeting; and besides the power of election hereinafter specified, the said congregation may, at such annual meeting, exercise all the powers conferred upon them by this Act, and shall be competent for the transaction of business generally.

First annual meeting.

**14.** At the first annual meeting of the said congregation, to be held as hereinbefore provided, there shall be elected, by a plurality of the votes of the members of the said congregation present, and qualified to vote as aforesaid, seven members for the term of one year; and such seven members and their successors to be elected as hereinafter provided, shall, in virtue of such election, be members of the corporation, and shall have the same powers as the members hereinbefore named and incorporated, and shall go out of office at the expiration of the year, for which they shall be elected as aforesaid.

Election of members.

**15.** At every annual meeting subsequent to that mentioned in the next preceding section, the said congregation shall, in the manner aforesaid, elect seven persons as successors to the members whose term of office expires at the time of such annual meeting; and, in case of a vacancy occasioned by the disqualification, death, resignation, removal from the City or refusal to act, of any one or more members of the Temporal Committee, or by the failure to elect a Temporal Committee at any annual meeting, such vacancy may be filled by the said congregation at a special meeting of the congregation called for the purpose, due notice of such special meeting to be given from the pulpit of the church or place of worship on the two successive Sundays immediately previous to the day appointed for such special meeting; Provided always that in case of refusal or neglect of said congregation to elect a Temporal Committee as aforesaid, it shall be lawful for the Temporal Committee elected for the immediately preceding year to act till their successors shall be appointed.

Vacancies.

**16.** No person shall be eligible to the office of member of the said corporation unless he be the proprietor or lessee of a pew, or half of a pew, in the said church, of at least one year's standing, not in arrear of rent, a stated resident of the city of Ottawa or its vicinity, and of the full age of twenty-one years, and not a member of any other church or religious congregation. Qualification.

**17.** Within ten days after each annual meeting, the members then in office shall elect one of their number as President, another as Secretary, and another as Treasurer of the said Corporation, who shall hold office till the close of the annual meeting next after their election, and vacancies in such offices may be filled at any meeting of the members of the Corporation regularly convened; and the President so elected shall, if present, preside at all meetings of the Corporation, and also at all meetings of the congregation, and in the absence of the said President such one of the members of the Corporation present as a majority of such meeting shall name, shall preside; and in case of an equality of votes at any such meeting, the President or other person chosen to preside shall have the casting vote and it shall be the duty of the Secretary to keep, in books for that purpose, minutes or records of the proceedings had at the meetings of the Corporation and of the said congregation, which shall be signed by the Secretary and President or other person presiding at such meeting, and shall be kept and held by the said Corporation in trust forever, for the said congregation, and it shall be the duty of the said Treasurer to collect and receive all moneys due to the said Corporation, and to keep and disburse the same under the direction of the said Corporation, and to keep a true and faithful account of all such receipts and disbursements. Election of President, Secretary, Treasurer.  
  
President to have a casting vote.  
  
Books of proceedings to be kept.

**18.** There shall be opened and kept by the said Corporation a register in which shall be entered and recorded from time to time the proceedings and transactions of the Corporation, and which register shall be open to the inspection of every proprietor or lessee of pews or parts of pews at all seasonable times. And a Register.

**19.** It shall be the duty of the said members of the Corporation at each annual meeting, to submit a true and perfect account in writing, fairly entered in books to be kept for that purpose, of all sums of money by them received, and of all sums rated or assessed or otherwise due and not received, and of all moneys paid by them as such Corporation during their term of office; and they shall also, on going out of office, pay and deliver over to their successors in office all sums of money, books, accounts, goods, property and other things which shall be in their hands as such Corporation, and in case such Corporation shall make default to tender such accounts or deliver over such money, goods, books, and other things as aforesaid, it shall be in the power of their successors to proceed against them at law for such default. Corporation to submit account at annual meetings.  
  
Deliver books &c., over to their successors.

Special Meetings.

**20.** It shall be lawful for the said Corporation to call special meetings of the said congregation by a like notice to that required to be given in respect to the annual meetings, and on a requisition signed by fifteen members of the said congregation qualified to be elected members of the Temporal Committee as aforesaid, it shall be the duty of the said corporation, if they deem it expedient, to call a special meeting of the congregation, to be held within fifteen days after delivery of such requisition to the President or Secretary of the corporation; Provided that the purpose or object of such special meeting shall be specified in the said requisition, and the notice calling the same, and no business shall be transacted at any such special meeting other than that specified in the notice calling the same.

Deeds of real estate to be registered.

**21.** All deeds of real estate which shall be made in favor of the said corporation shall be registered, according to law, within six months from the execution thereof, otherwise the same shall be void and have none effect.

Execution of deeds.

**22.** All deeds, mortgages, leases and other conveyances shall be sealed with the common seal of the said corporation, and signed by the President and Secretary of the said corporation, in the presence of two subscribing witnesses.

## CAP. LXII.

### An Act for the Incorporation of the Burnside Lying-in Hospital of Toronto.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS a Lying-in Hospital has been established in the City of Toronto for a number of years, and has administered relief to many patients in each year. And whereas Sarah M. Grasett, Frances Hodder, Janet Morrison, Wilnot Cumberland, Edward M. Hodder, M.D., Julia Gwynne, Charlotte B. Ridout, Annie Grant, Augusta A. Strachan, Sarah Risly, Alice Hall, Catharine Richards, Elizabeth Cumming, members of the Board of Management thereof, have petitioned that corporate power may be conferred upon them; and whereas it is expedient to grant the prayer of the petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Certain persons incorporated.

**1.** Edward M. Hodder, M.D., Sarah M. Grasett, Frances Hodder, Janet Morrison, Wilnot Cumberland, Julia Gwynne, Annie Grant, Charlotte B. Ridout, Augusta A. Strachan, Sarah Risly,



Risly, Alice Hall, Catharine Richards, Elizabeth Cumming, and all others who shall, under the provisions of this Act, become members of the said institution, shall be and are hereby declared to be a body politic and corporate in deed and in name, by the name of "The Burnside Lying-in Hospital of Toronto." Corporate name

2. The said Corporation may receive, acquire, and hold, for their actual use and occupation, the land now occupied by the said institution, and may purchase, acquire, and hold other real estate immediately adjacent to the said land now occupied by them, which they may require for their actual use or occupation, and shall have full power to appoint, and at pleasure to remove such physicians, officers, and servants, as they may desire. Corporate powers.

3. The said Corporation shall and may, from time to time, hold meetings of the members thereof, to be called together at such times and places as shall be appointed by the by-laws, rules and regulations, to transact the business of the said institution, and shall and may at any meeting elect such persons to be members of the said Corporation, as the majority of those present shall see fit, and at any such meeting five shall constitute a quorum. Meetings.  
Quorum.

4. By-laws, and rules, and regulations for the election of a committee of management and officers, and for general purposes of the institution, may be passed at any such meeting. Power to make by-laws.

5. The estate, real and personal, of the said institution, when this act goes into force, or then held in trust for it, shall become the property of the Corporation hereby created, and the officers and the managing committee of the said Institution, shall be and continue to be the officers and managing committee of the said Corporation, until others shall be appointed in their stead, and the by-laws, rules and regulations of the said institution shall be and continue to be by-laws, rules and regulations of the said corporation until altered or repealed. Estate of Institution to vest in corporation.  
Officers to remain until new appointments.

6. The said Corporation shall make and furnish to the Lieutenant-Governor, and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first session thereof, in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities. Annual statement of the Company to be furnished to the Government.

## CAP. LXIII.

## An Act to Incorporate the Toronto Trust Company.

[Assented to 4th March, 1868.]

Preamble.

**W**HEREAS the persons hereinafter named, and others, propose to establish a Joint Stock Company, and have petitioned for an Act of Incorporation for said Company : Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

Certain persons incorporated.

**1.** The Honorable George Brown, of Toronto ; Frederick W. Cumberland, Esquire, of Toronto, M. P. P., Managing Director Northern Railway Company ; Adam Crooks, Esquire, Q. C., of Toronto ; Humphrey Lloyd Hime, Esquire, Stock and Money Broker, of Toronto ; Stephen Heward, Esquire, of Toronto ; Dalrymple Crawford, Esquire, Merchant, of Toronto ; John Boyd, Esquire, Merchant, of Toronto, and James D. Edgar, Barrister, of Toronto, (who shall be provisional Directors) and all other person and persons; body and bodies politic, as shall from time to time be possessed of any share or shares in the undertaking, shall be united into a Company and shall be one body politic and corporate, by the name of "The Toronto Trust Company," and by that name shall have perpetual succession and a common seal, with power to break and alter such seal, and by that name shall sue and be sued, plead and be impleaded in all Courts whatsoever.

Corporate name

Capital and provision for increase.

**2.** The Capital Stock of the Company shall be five hundred thousand dollars, divided into five thousand shares of one hundred dollars each ; Provided that stock to the amount of one hundred thousand dollars shall be subscribed, and fifty thousand dollars thereof paid up before the Company shall go into operation, and for every year thereafter at least a further sum of ten per centum upon the allotted stock of the Company shall be called in and made payable, until the whole shall have been so called in.

Company may acquire certain securities.

**3.** The Company may acquire, hold and dispose of the stocks, bonds, debentures, and municipal securities, and the obligations of corporate companies, and may buy and sell evidences of debt, secured by mortgage or pledge, of freehold or leasehold lands.

Borrowing powers of the Company.

**4.** The Directors may from time to time, with the consent of the shareholders present or represented in a general meeting, borrow money on the debentures of the Company at such rates of interest, and upon such terms as they may think proper, and the Directors may for that purpose, make or cause to be made debentures under the common seal of the Company  
for

for sums not less than one hundred dollars, which may be payable at any place, and either to order or bearer, and may have interest coupons attached: Provided that no lender shall be bound to enquire into the occasion of any such loan, or into the validity of any resolution authorizing the same, or the purpose for which such loan is wanted; and the said Company may receive money on deposit: Provided that the aggregate amount of such deposits, together with the amount of Debentures issued and remaining unpaid, shall not, at any time, exceed the amount of cash and securities, at their cash value, belonging to the Company, and shall at no time exceed the paid up capital of the Company.

5. The Company is empowered to act as an Agency and Trust Association and may hold, invest and deal with such moneys, mortgages, securities or evidences of debt as shall, from time to time, be transferred or delivered to the Company upon trust or as agents, and may exercise all the rights which the parties so transferring or delivering the same, might, or could exercise, and the company may give such guarantee as may be agreed on for repayment of principal or interest, or both, of any such moneys, mortgages, securities or evidences of debt.

May act as a Trust Association, and deal in certain securities.

6. The Company may hold such real estate, including lands actually required by them for an office in the city of Toronto, as may be acquired by them for the protection of their investments, and may, from time to time, sell, mortgage, lease, or otherwise dispose of the same; Provided always, that the Company shall sell any such real estate, the premises occupied by the Company as aforesaid, excepted, within five years after so acquiring it, and that the same shall not at any time exceed in annual value, the sum of Ten Thousand Dollars.

May hold real estate.

Same to be sold.

7. The head office of the Company shall be in Toronto, but the Directors may have offices in London, England, and in Edinburgh, Scotland, and may appoint Trustees to manage them, and for such other purposes as the Directors shall determine, and the debentures, coupons, or dividends of the company may be payable at any place in London or Edinburgh, and in sterling or currency.

Head Office.

Offices in London and Edinburgh.

8. The transmission of the interest in any share of the Capital Stock, in consequence of marriage, death, or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be authenticated and made in such form, by such proof, and generally in such manner as the Directors shall from time to time require, or by by-law direct.

How transmission of interest to be authenticated.

9. Interest shall accrue, and fall due, at the rate of six per cent per annum upon the amount of any unpaid call from the day appointed for payment of such call.

Interest on calls overdue.



Action for calls.

What only  
need to be  
alleged and  
proved.

**10.** The Company may enforce payment of all calls and interest thereon, by action, in any competent court, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share, or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount in respect of one call or more upon one share, or more, stating the number of calls, and the amount of each, whereby an action hath accrued to the Company under this Act: and a certificate under their seal, and purporting to be signed by the President, Secretary, or General Manager of the Company, to the effect that the defendant is a shareholder, that such call or calls have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of Law and equity as *prima facie* evidence to that effect.

Forfeiture for  
non-payment.

**11.** If after such demand or notice, as the by-laws of the Company may prescribe, any call made upon any share or shares, be not paid within such time as by such by-laws may be limited in that behalf, the Directors, in their discretion by vote to that effect, reciting the facts and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the company, and may be disposed of as by by-law or otherwise they shall ordain.

Shareholders  
may make by-  
laws.

**12.** The Shareholders of the Company shall have full power in all things to administer the affairs of the company and to make by-laws regulating the issue and registration of certificates of stock, the transfer of stock, the calling in of amounts due on subscribed stock, the declaration and payment of dividends, the number of directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration, and that (if any) of the directors, the place or places where the annual meeting of the company shall be held, and where the business of the company shall be conducted, the calling of meetings, regular and special, of the Board of Directors of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company, and may from time to time repeal, amend, or re-enact the same.

Voting.

**13.** Every Shareholder in the company shall be entitled to one vote for each share he may hold in the capital stock of the Company, at least one month prior to the time of voting; Provided that no shareholder being in arrears in respect of any call shall be entitled to vote at any meeting of the Company, and the votes of the shareholders may be given in person or by proxy.

**14.**

14. A copy of any by-law of the Company under their seal, and purporting to be signed by any of the officers aforesaid, shall be received as *prima facie* evidence of such by-law in all Courts of law and equity in this Province.

Certified copy  
by-law evi-  
dence.

15. So soon as one hundred thousand dollars of the capital stock shall have been subscribed, and fifty thousand dollars thereof paid up, the Directors shall call a general meeting of the shareholders, to be held in the City of Toronto, of which meeting not less than ten days' notice shall have been given by public advertisement in the *Ontario Gazette*, for the purpose of passing by-laws for the management of the affairs of the Company, the election of Directors, the appointment of officers, and generally for the exercise of the powers conferred on the shareholders by the twelfth section of this Act.

First meeting  
of Shareholders

16. So soon as Directors shall have been appointed under the next preceding section, the powers and functions of the Provisional Directors shall cease and determine.

Powers of pro-  
visional Direct-  
ors to cease.

17. If, at any time, an election of Directors be not made, or do not take effect at the proper time, the company shall not be held to be thereby dissolved, but such election may take place at any general meeting of the company duly called for that purpose.

Failure of elec-  
tion of Direct-  
ors not to dis-  
solve Company.

18. The general annual meeting of the company shall be held on the fourth Thursday in January, in each year, and at such meeting a full and detailed statement of the financial affairs of the company, up to the thirty-first day of December of the year then last past, shall be submitted to the stockholders, and shall appear in the books of the company, and be open for the inspection of the shareholders; but said annual general meeting may be adjourned to a future day with the consent of a majority of the stockholders present or represented at the meeting.

Annual meet-  
ing.

19. The company shall cause a book or books to be kept by the Treasurer, or by some other officer specially charged with that duty, wherein shall be kept recorded—

Books to be  
kept

1. A correct copy of the Act incorporating the company, as also of any and every by-law thereof.

By-laws

2. The names, alphabetically arranged, of all persons who are or have been shareholders.

Names

3. The addresses and calling of every such person while such shareholder.

Addressees

4. The number of shares of stock held by each shareholder.

Shares.

5. All transfers of stock in their order, as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and,

Transfers

Directors.

6. The names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each became or ceased to be such director.

Effect of transfer limited until entered.

20. No transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor to the Company and their creditors until entry thereof has been duly made in such book or books.

The books to be open to Stockholders and creditors of Company.

21. The stock and transfer book shall, during reasonable business hours of every day except Sundays and Statutory holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives at the office or chief place of business of the Company, and every shareholder, creditor or representative may make extracts therefrom.

Effect as Evidence.

22. Such books shall be *prima facie* evidence of all facts purporting to be thereby stated in any suit or proceeding against the Company or against any shareholder.

Penalty for untrue entries.

23. Every director, officer or servant of the Company who knowingly makes, or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts taken therefrom, shall be liable to a penalty not exceeding twenty dollars for making each such untrue entry and for each refusal or neglect, and also for all loss or damage which any party interested may have sustained thereby.

Company not bound to see to trusts and shares.

24. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any shares, and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect to such shares, and whether or not such notice of such trust shall have been given to the Company, and the Company shall not be bound to see to the application of the money paid upon such receipt.

Contracts by the Company how to be executed.

25. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and any cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such, under the by-laws of the Company, not inconsistent with this Act, shall be binding upon the Company, and in no case shall it be necessary to have the seal of the company affixed to any such contract, agreement, engagement, bargain, bill of exchange or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any by-law or special vote or order,



order, nor shall the party so acting as agent, officer or servant of the company, be thereby subjected to any individual liability whatever to any third party therefor.

**26.** Each shareholder, until the whole of his stock has been paid up, shall be individually liable to the creditors of the Company to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor before an execution against the Company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs, against such shareholders. Liability of Shareholders.

**27.** The shareholders of the company shall not, as such, be held responsible for any act, default, or liability, whatsoever, of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing, whatsoever, relating to, or connected with the company, beyond the amount of their respective shares in the capital stock thereof. Liability of Shareholders limited.

**28.** Any description of action may be prosecuted and maintained between the Company and any shareholder thereof, and no shareholder, not being himself a party to such suit, shall be incompetent as a witness therein; and the officers of the Company shall be competent witnesses in all actions brought by or against the Company. Actions and witnesses.

**29.** The Company shall make, and furnish, to the Lieutenant-Governor, and to the Legislative Assembly of Ontario during the first fifteen days of the first Session, in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property, and securities. Annual statement required.

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#### CAP. LXIV.

### An Act to Incorporate the Board of Trade of the Town of Guelph.

*[Assented to 4th March, 1868.]*

**WHEREAS** John McCrea, James Goldie, George Robins, Peter Gow, Alexander Thomson, James Massie, David Allan, John A. Wood, W. S. G. Knowles, Robert Melvin, Charles Davidson, N. Higginbotham, William Wilkie, Francis Evatt, Henry William Peterson, and others hereinafter named, resident in the Town of Guelph, have by their petition to the Legislature, represented that they have associated themselves together for some time past for the purpose of promoting such measures as they have deemed important towards developing the general trade and commerce of Preamble.

of the Town of Guelph, and have further represented that the said Association would be more efficient in their operations should an Act of Incorporation, conferring certain powers on them and their successors, be granted; and whereas it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Names of  
Members.

1. The said John McCrea, James Goldie, George Robins, Peter Gow, Alexander Thomson, James Massie, David Allan, John A. Wood, W. S. G. Knowles, Robert Melvin, Charles Davidson, N. Higginbotham, William Wilkie, Francis Evatt, Henry William Peterson, with David Stirton, Thomas S. Parker, George John Grange, John Nogg, Robert Chance, George Jeffrey, G. M. Stewart, William Clarke, Adam Robertson, William Day, John Horsman, J. L. Lewis, Francis Prest, C. E. Romain, Stephen Bolt, Thomas McCrae, George Elliott, T. J. Day, W. H. Mills, William Stewart, Charles Raymond, F. W. Stone, O. Pooley, A. M. Jackson, G. W. Sandilands, Edmond Morris, A. MacNider, David McCrae, Robert Thompson, John Harvey, Thos. Holliday, George Prince, James Barclay, Robert J. Stewart, Andrew Lemon, Donald Guthrie, T. W. Saunders, Thomas Saunders, Edwin Newton, John Harris, James Murphy, George Hadden, A. A. Baker, George Hough, George Pine, Jonathan Wilkinson, and James Innis, and J. McLaggan, and David Molton, George Murton, F. J. Chadwick, P. McCurry, A. B. Petrie, Thomas Heffernan, G. Palmer, James Webster, D. McLennan, E. R. Darton, and such other persons, residents of the said Town of Guelph, as are or shall be associated with the persons above named, for the purposes of this Act, in the manner hereinafter provided, and their successors shall be and are hereby constituted a body politic and corporate, by the name of the "Guelph Board of Trade," for the purposes mentioned in the preamble, and may by that name sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter, or change, at their will and pleasure: and they and their successors, by their corporate name shall have power to purchase, take, receive, hold, and enjoy any estate whatsoever, real or personal, within the Town of Guelph only for the actual use of the said Board of Trade, and alienate, sell, convey, lease, or otherwise dispose of the same or any part thereof from time to time, and as occasion may require, and other estate, real or personal, within the said Town, to acquire instead thereof; Provided, always, that the clear annual value of the real estate held by the said corporation, at one time, shall not exceed Five Thousand Dollars: and Provided, also, that the said corporation

Common Seal  
property.

Proviso.

Property limited  
to \$5,000.

corporation shall not have or exercise any corporate powers whatsoever, except such as are contemplated by law, or more expressly conferred on them by this Act, or which may be necessary for carrying the same into effect according to its true intent and meaning.

Proviso as to powers.

2. The funds and property of the said Corporation shall be used and applied to, and for such purposes only as may be calculated to promote and extend the lawful trade and commerce of this Province generally, and of the Town of Guelph in particular, or as may be necessary to attain the objects for which the said Corporation is constituted, according to the true intent and meaning of this Act.

Application of funds.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof; and service at such place of any notice or process of any kind, addressed to the said Corporation shall be held to be sufficient service of such notice or process on the Corporation.

Domicile and service of process.

4. For the management of the affairs and business of the said Corporation, there shall be a Council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter mentioned, consist of a President, Vice-President and Secretary, and twelve other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

Council of the Board of Trade

5. The said John McCrea shall be President, the said James Goldie shall be Vice-President, the said George Robins the Secretary, and the said Peter Gow, Alexander Thomson, James Massie, David Allen, John A. Wood, W. S. G. Knowles, Robert Melvin, Charles Davidson, N. Iligginbotham, William Wilkie, Francis Evatt and Henry William Peterson the other members of the Council, until the first election to be had under the provision of this Act, and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

First President, Vice-President and the members of the Council.

Powers

6. The members of the said Corporation shall hold a general meeting every three months, that is to say on the second Tuesday in January, April, July and October, at some place within the town of Guelph, of which, notice, naming the time and place, shall be given by the Secretary of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise, as may be thought necessary by the said Council; and at the General Meeting on the second Tuesday in the month of April the members of said Corporation present, or a majority of them, shall then and there elect in such way as shall be fixed by the By-Laws of the Corporation from among the members of the Corporation one President, one Vice-President and one Secretary, and twelve other

Times of General Meeting.

Election of President, &c. and members of Council.



other members of the Council who, with the President, Vice-President and Secretary, shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next General Meeting in the month of April, as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any By-law of the Corporation; Provided always that if the said election shall not take place on the second Tuesday in the month of April, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had.

Filling vacancies in case of death or resignation or absence of members.

7. If any member of the said Council shall die or resign his office, or he be absent for four months continuously from the meetings of the said Council, it shall be lawful for the said Council at any meeting thereof, to elect a member of the said Corporation to be a member of the said Council in the place of the member so dying or resigning or being absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the members so elected shall hold office until the next annual election, and no longer, unless re-elected.

Majority to have full powers at annual or other general meetings.

8. At any Annual or General Meeting of the said Corporation, whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting shall be competent to do and perform all acts which either by this Act or by any By-law of the said Corporation are or shall be directed to be done at any such General Meeting.

Retirement of Members.

9. Any member of the said Corporation intending to retire therefrom or resign his membership may at any time do so upon giving to the Secretary, in writing, ten days' notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of said notice.

Making By-laws and for what purpose.

10. It shall be lawful for the said Corporation or the majority of them present at any General Meeting, to make and enact such By-laws, rules and regulations for the Government of the said Corporation providing for the admission and expulsion or the retirement of members, and for the management of their Council, officers and affairs, and for the guidance of the Board of Arbitrators hereinafter mentioned, and all other By-laws in accordance with the requirements of this Act or the laws of this Province or Dominion, as such majority shall deem advisable, and such By-laws shall be binding on all members of the said Corporation, their officers and servants, and all other persons whomsoever lawfully under their control; Provided that no By-law

Proviso. Notice of proposed By-law.

law shall be made or enacted by the said Corporation without notice in writing thereof having been given by one member and seconded by another member at a previous General Meeting, and duly entered in the books of the said Corporation as a minute of the said Corporation.

**11.** Each and every person then resident in the Town of Guelph or the vicinity thereof, and carrying on trade or commerce of any kind therein or therewith, or being or having been a merchant, trader, mechanic, manufacturer, manager or agent of a Bank or Insurance Company therein or possessing any real estate therein, shall be eligible to become a member of the said Corporation, and at any General Meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation, and if such proposition shall be carried by a majority of two-thirds of the members of the said Corporation then present, he shall thenceforth be a member of the Corporation, and shall have all the rights and be subject to all obligations which the other members possess and are subject to; Provided always that any person not being a merchant or trader, mechanic, manufacturer, manager or agent of a Bank or Insurance Agent or possessor of real estate shall be eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the Board of Trade at any such Meeting.

Who and what classes may become members of the Corporation, and how.

Provido as to members not being traders, &c.

**12.** It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said Town of Guelph, at least one day previous to the said meeting, or by a circular letter signed by the Secretary of the said Corporation, to each member, and mailed at least one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

Notice of Special General Meetings.

**13.** It shall be competent to the said Council to hold meetings from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may by this Act, or by the By-Laws of the Corporation, be assigned to them; and such meetings of the Council shall be convened by the Secretary, at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any By-Law of the Corporation, except only the power of enacting or altering any By-Law, or admitting any member, which shall be done in the manner provided for by this Act (and no other), and any five or more members of the Council, lawfully met, (and of whom the President or Vice-President shall be one, or in case of their absence any seven or more members lawfully met,) shall be a quorum, and any majority of such quorum may

Meeting of Council.

do

do all things within the powers of the Council, and at all meetings of the said Council, and at all general meetings of the Corporation the President, or in his absence the Vice-President, or if both be absent, any member of the Council then present who may be chosen for the occasion shall preside, and shall in all cases of equality of votes upon any division have a casting vote.

Council to  
frame by-laws.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such By-laws, Rules and Regulations as shall seem to the said Council best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation, called for that purpose, in the manner hereinbefore provided.

Recovery of  
subscriptions,  
penalties, &c.

15. All subscriptions of members due to the said Corporation under any By-law, all penalties incurred under any By-law by any person bound thereby, and all other sums of money due to the said Corporation shall be paid to the Secretary thereof, and in default of payment may be recovered in any action brought in the name of the said Corporation; and it shall only be necessary to allege in such action that such person is indebted to the said Corporation in the sum of money the amount of such arrearage, on account of such subscription, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

Proof in such  
case.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant at the time of making such demand, was or had been a member of the said Corporation, and that the amount claimed for such subscription, penalty or otherwise was standing unpaid upon the books of the said Corporation.

Meetings of  
the Council  
to be open to  
members.

17. The meetings of the members of the Council shall be open to all members of the said Corporation who may attend at the same, but who shall take no part in any proceedings thereat; and minutes of the proceedings at all meetings, whether of the said Council or the said Corporation, shall be entered in books to be kept for that purpose by the Secretary of the said Corporation, and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said Corporation free from any charge.

Board of Arbi-  
tration.

18. At the same time and times as are hereby appointed for the election of the said Council, and in the same manner it shall be lawful for the members of the said Corporation to elect from their number five persons who shall form a board, which shall  
be



be called "The Board of Arbitration," and any three of whom shall have power to arbitrate upon and make their award in any commercial case or difference which shall be voluntarily referred to them by the parties concerned, and whenever any such parties shall agree to bind themselves by bond or otherwise, to submit the matter in dispute between them to the decision of the said board of arbitrators, such submission shall be understood to be made to any three members of the said board, who may either by the special order of the said board, or by virtue of any general rules adopted by them, or under any By-law of the said Corporation touching the consideration of any cases so submitted, be appointed to hear, arbitrate and decide upon the case or cases so submitted to them, and such decision shall be binding upon the said Board, and the parties making the submission, and any such submission shall be according to the form set forth in the Schedule to this Act, or in words to the same effect.

Powers.

Form of submission

19. The several members of the said Board of Arbitration shall, before they act as such, take and subscribe before the President, or Vice-President, of the said Corporation on oath, that they will faithfully, impartially, and diligently perform their duties as members of the said Board of Arbitration, and this oath shall be kept among the documents of the said Corporation.

Members to be sworn.

20. Any member of the Council of the said Corporation may, at the same time, be a member of the said Board of Arbitration.

Members of Council may be arbitrators.

21. The three members appointed to hear any case submitted for arbitration, as aforesaid, or any two of them, shall have power to examine upon oath (which oath any one of such three members is hereby empowered to administer) any party or witness who, appearing voluntarily before them, shall be willing to be so examined, and shall give their award thereupon in writing, and their decision, or that of any two of them, given in such award, shall bind the parties according to the terms of the submission and the provisions of this Act.

Powers of hearing cases and examining witnesses by arbitrators.

Award.

22. From and after the passing of this Act it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of Guelph, for the year commencing on the first day of May, then next, and ending on the thirtieth day of April following, to examine applicants for the office of Inspector of Flour and Meal, or of any other article subject to inspection, and for the said Council to do all such other acts, matters and things connected with the inspection of flour and meal, or any other article, and have as full power, and be subject to the same conditions as those conferred upon, and required of the Councils of the Boards of Trade, by virtue of the Act, chapter forty-seven, of the Consolidated Statutes of Canada, or any other Act of Parliament now conferred,

Powers to appoint Board of Examiners for certain Inspectorships.

Con. Stat. Can. c. 47.

conferred, or which may hereafter be conferred, and the said Examiners and Inspector shall also be subject to all the conditions, requirements, oaths, matters and things (touching their office) set forth in the said Act or Acts.

Oaths and  
affirmation.

23. Any person who may, by law, in other cases, make a solemn affirmation, instead of taking an oath, may make such solemn affirmation in any case whereby this Act an oath is required; and any person who shall wilfully swear, or affirm falsely, in any case where any oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Act not to  
affect her  
Majesty.

24. Nothing in this Act shall affect any rights of Her Majesty, her heirs or successors, or of any person or party whomsoever such rights only excepted as are herein expressly mentioned and affected.

### SCHEDULE.

Form of submission to the Board of Arbitration.

Know all men that the undersigned,  
and the undersigned (if there be more parties, that is, more separate interests, mention them) having a difference as to the respective rights of the said parties in the case hereunto subjoined, have agreed and bound themselves under a penalty of \_\_\_\_\_ dollars, to perform the award to be made by the Board of Arbitration of the Board of Trade of the Town of Guelph, in the case aforesaid, under the penalty aforesaid, to be paid by the party refusing to perform such award to the party ready and willing to perform the same.

In Witness thereof, the said parties have hereunto set their hands and affixed their seals, at the Town of Guelph, on the \_\_\_\_\_ day of \_\_\_\_\_ A. D. 18 \_\_\_\_\_

A. B.	(L. S.)
C. D.	(L. S.)
E. F.	(L. S.)

### FORM OF OATH.

To be taken by the Members of the Board of Arbitration.

I swear that I will faithfully, impartially and diligently perform my duties as a member of the Board of Arbitration of the Board of Trade of the Town of Guelph, and that I will, in all cases in which I shall act as arbitrator, give a true and just award, according to the best of my judgment and ability, without fear, favour or affection of or for any party or persons whomsoever,

So help me God.

## CAP. LXV.

## An Act respecting the Grand River Navigation Company.

[Assented to 4th March, 1868.]

**W**HEREAS, by an Act passed in the session of Parliament, held for the late Province of Upper Canada, in the second year of the reign of His late Majesty, King William the Fourth, intituled "An Act to incorporate a joint stock company to im-  
 prove the Navigation of the Grand River," The Grand River Navigation Company was incorporated and certain powers and authorities to hold real and personal estate, and to collect and levy dues and tolls, and make, construct, manage and carry on the works of the navigation of the said Grand River and connected therewith, and to lease, sell, and manage the property of the said Company, were vested in, and given to the said Grand River Navigation Company, as in such Act and in and by divers amendments thereof, is set forth and contained. And, whereas, by an Act passed in the session of Parliament, for the late Province of Canada, held in the fourteenth and fifteenth years of the reign of Her present Majesty, Queen Victoria, intituled "An Act to authorize the Grand River Navigation Company to raise, by way of loan, a certain sum of money, and for other purposes therein mentioned;" it was, amongst other things, enacted, that it should be lawful for the Town of Brantford in its corporate capacity, to lend its credit to the said Grand River Navigation Company, by issuing the debentures of the said Town in such sum or sums as might be agreed upon, by, and between the Directors of the said Company, or a majority of them, and the Town Council of the Town of Brantford, to the extent of Forty Thousand Pounds currency, bearing interest not exceeding six per centum per annum—such interest to be payable semi-annually, and the principal in twenty years. And, by the said Act, it was further enacted, that, for the security of the said Town of Brantford against loss in so loaning its credit, the said debentures should have the same effect as a mortgage upon all the property and income of the said Grand River Navigation Company, in the manner in the said Act more particularly set forth. And, whereas, the provisions of the said last recited Act, were carried into effect, and on the thirtieth day of December, one thousand eight hundred and fifty-one, the said Town of Brantford issued thereunder, and according to the provisions of the said Act, its debentures for the sum of forty thousand pounds, currency, payable at twenty years, at six per centum per annum interest, payable semi-annually; and the same debentures were received by the said Grand River Navigation Company accordingly, to be applied as directed by the said Act, and the mortgage by the said Act intended, was perfected. And, whereas, the said Grand River Navigation Company having made default in the payment

Preamble

2 Wm. 4, cap. 13.

14 &amp; 15 Vic. cap. 15.

Sec. 3.

Sec. 5.

Debentures issued for £40,000.

Mortgage perfected.

Default.

of



Bill filed in  
Chancery.

Final order of  
Foreclosure.

Questions as to  
construction of  
the Acts.

of the interest on the said debentures, the Corporation of the Town of Brantford, on or about the twenty-third day of August, one thousand eight hundred and fifty-nine, filed its bill in the Court of Chancery for Upper Canada, against the said Grand River Navigation Company, for the foreclosure of the said mortgage, in which suit divers proceedings were had, and orders and decrees made, and ultimately, by a final order in the said suit, dated the twenty-fourth day of June, in the year of our Lord, one thousand eight hundred and sixty-one, and by divers other orders, decrees and proceedings in the said suit, the said Court of Chancery did order, that the said Grand River Navigation Company and the other defendants to the said suit should stand absolutely debarred and foreclosed, of and from all right, title and equity of redemption of, in, and to the mortgaged premises, in the pleadings in the said cause mentioned, being, in fact, the premises hereinbefore referred to. And, whereas, questions may arise on the construction of the said Acts, as to the effect of the said foreclosure, and as to the manner in which the said premises affected by the said mortgage hereinbefore set forth, or referred to, were, and are vested in the said Corporation of the Town of Brantford, and as to the rights, powers and authorities of the Corporation of the Town of Brantford, in respect of the same. And, whereas, the Corporation of the Town of Brantford has, by its petition, asked for this Act, and it is expedient to grant its prayer : Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, declares and enacts as follows :

All the powers,  
&c., of the  
G. R. N. Com-  
pany declared  
vested in the  
Corporation of  
Brantford.

Certain provi-  
sions inapplic-  
able.

1. From and after the date of the foreclosure in the recital to this Act mentioned, and under, and by virtue thereof, the provisions of the said statutes, second William the Fourth, chapter thirteen, and the Acts amending the same, and all the powers, franchises, and authorities by the same Acts applicable to, vested in, conferred upon, and exercised by the Grand River Navigation Company became, were, and are applicable to, vested in, conferred upon, and exercisable by the Corporation of the Town of Brantford ; and thereupon, the said Corporation of the Town of Brantford, by its council, agents, servants, and workmen became, was, and is capable of executing and carrying out the matters and things contemplated in and by the same Acts ; But nevertheless, such of the provisions thereof as refer to the formation of a company thereunder, and the constitution and election of a board of directors thereof, and of the raising of the stock thereof, and the conduct and management of the affairs thereof by a board of directors to be chosen thereunder, and all other provisions of the said Acts, which were and are inconsistent with the provisions of this Act did not, and do not apply, and are not to apply, to the said Corporation of the said Town of Brantford, which, under its said suit in Chancery and the matters aforesaid, was and is empowered to conduct and manage the Grand River Navigation and other the premises in the said mortgage comprised, under its own organization as a municipal Corporation ;

tion; Provided nevertheless, that as regards all acts, contracts, and dealings with the property and effects, matters, and things covered by the said mortgage; which were made, or entered into, or took place between the thirtieth day of December, one thousand eight hundred and fifty-one, and the date of the final order of foreclosure aforesaid, it is not intended that this Act shall impose any liability on the said Corporation of the Town of Brantford; Provided always that nothing in this Act contained shall have the effect of giving the Corporation of the Town of Brantford any other or greater legal or equitable rights as against any persons claiming under such Acts, contracts or dealings, or as against the premises affected thereby or embraced therein to the extent of the interest of such persons in the same than the said last mentioned corporation had prior to the date of the passing of this Act, but all questions arising as to such acts, contracts, dealings and premises, in so far as such persons are concerned, shall be dealt with precisely as if this Act had not passed.

Proviso as to Acts, contracts and dealings subsequent to 30th Dec. 1851.

2. The said Corporation of the Town of Brantford may, at any time, sell and convey, on such terms as may be agreed upon in that behalf, all its said estate and interest in the said Grand River Navigation and other the premises in this Act mentioned or referred to, to any company willing to purchase the same, and may allow any portion of the purchase money to remain on mortgage of the said Navigation and other the premises so sold and the improvements thereof for such a period, and on such terms, as may be agreed upon in that behalf; and the grant and conveyance by the said Corporation of the Town of Brantford to the said Company so purchasing its said estate and interest sold, shall have the effect of vesting in the said Company so purchasing, its successors and assigns, all the powers, franchises, authorities, and liabilities, of the said Corporation of the Town of Brantford, in reference to the said Navigation and other the premises, which shall then under this Act, or otherwise be vested in the said Corporation of the Town of Brantford; subject, nevertheless, as to the said powers, franchises, authorities, and liabilities, to any special provisions or limitations to be contained in any such grant and conveyance: Provided always, that no such grant and conveyance as aforesaid shall be made and executed, until the said proposed Company shall have actually expended the sum of thirty thousand dollars, at the least, out of the capital stock of the same Company, in the improvement of the said Grand River Navigation and the works thereof; nor shall any such grant and conveyance affect or include the lands and premises granted to the said Corporation of the Town of Brantford, by a certain patent dated the twenty-sixth day of June, one thousand eight hundred and sixty-four, being certain lands and premises at or near the village of Cainsville.

Corporation of Brantford authorized to sell to any Company willing to purchase.

Grant and conveyance—  
Effect of.

Subject to any special provisions.

Proviso—No conveyance to be executed until \$30,000 expended by proposed Company.

Grant not to include lands in Cainsville.

3. The said Corporation of the Town of Brantford may, from time to time, invest or apply any moneys in its hands, or in the hands

Corporation of Brantford may invest moneys

and raise  
\$80,000 for im-  
provement of  
the G. R. N.  
and works.

hands of its Treasurer, or of any one on its behalf, not applicable to other purposes, in, and towards the maintenance or improvement of the said Grand River Navigation and the works thereof; and the Corporation of the Town of Brantford shall have power under a by-law of the said Corporation, to be passed for that purpose, to raise by way of mortgage, at any rate of interest not exceeding seven per cent. on the said Grand River Navigation and works, and other the premises, for the purposes of repairing and improving the said Grand River Navigation and the works thereof, a sum not exceeding sixty thousand dollars, which sum and interest shall be a charge only on the said Navigation and works, and other the premises vested in the said Corporation under this Act, but shall not be or become a charge on the Municipality of the Town of Brantford or the ratepayers thereof.

Name of new  
Incorporation.

27 & 28 Vic.,  
cap. 23.

4. It shall be lawful for the requisite number of persons to become incorporated, by the name of "The Brant and Haldimand Navigation Company," under the provisions of the statute passed in the twenty-seventh and twenty-eighth years of the reign of Her present Majesty, intituled "An Act to authorize the granting of Charters of Incorporation to Manufacturing, Mining and other Companies," for the purpose of purchasing, enlarging, improving, and working the said Navigation and other the premises, which statute, as modified by this Act, is to be applicable to the said Company so to be incorporated, as aforesaid.

Company after  
incorporation  
may purchase.

5. The said proposed Company, after its incorporation under the last preceding section, may purchase from the Corporation of the Town of Brantford, the said Grand River Navigation and the works thereof, on the terms, and according to the provisions in this Act contained.

## CAP. LXVI.

### An Act to Incorporate the Rama Timber Transport Company.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS Frederick W. Cumberland, Humphrey Lloyd Hime, Dalrymple Crawford, and S. W. Farrell, have by their petition represented that the construction of a water channel, canal, or tramway, uniting the waters of Black River, in the County of Ontario, with the waters of Lakes St. John and Couchiching, would materially facilitate and cheapen the transportation of timber and sawlogs from the district tributary to those waters, and pray to be



be incorporated for that object; and whereas it is expedient that the prayer of said petitioners should be granted.

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

1. Frederick W. Cumberland, Henry W. Sage, Dalrymple Crawford, DeWitt Linn, Humphrey Lloyd Hime, Thompson Smith, William Lount, and S. W. Farrell, together with such other persons as shall under the provisions of this Act become Shareholders in the Company hereby incorporated, shall be and are hereby ordained, constituted, and declared to be a body corporate, and politic, by and under the name of "The Rama Timber Transport Company, Limited."

Certain persons incorporated.

Corporate name.

2. The said Company shall have full power and authority to explore the Country lying between the waters of the Black River, in the county of Ontario, and the Eastern Shore of Lake Couchiching; and to designate, and establish, and to take, and appropriate for the use of the said Company, and their Successors, a strip of land, two hundred feet in width, extending from any point on the said Black River, in the county of Ontario, to Lake St. John, and thence to Lake Couchiching for the purposes hereafter mentioned.

Company may explore and take land.

3. The said Company shall have power to construct and maintain a Canal or Canals, or Timber Slide, to connect Black River with Lake Couchiching, upon said strip of land, and shall have the full use and enjoyment of the waters of the Black River or Tributary Streams, and of Lake St. John, for the purpose of supplying said Canal, and floating or mooring timber or saw logs; or may execute such works on the present course of the Black or St. John Rivers as may best and most economically secure the passage of timber and saw logs, so as that none of the works or acts of the said Company shall in any wise impair or injuriously affect the enjoyment of the present channels of the waters of the Black and St. John Rivers and tributary streams.

May construct canal or timber slide.

May use waters.

4. It shall be lawful for the said Company to construct, subject to the restrictions in the third section of this Act contained, upon said strip of land a rail or tramway, for the purpose of transporting timber, lumber or sawlogs.

May construct rail or tramway.

5. It shall be lawful for the said Company to construct, subject as aforesaid, and keep in repair all locks, bridges, tow-paths, works, and erections necessary for the said works.

Powers to construct locks, &c.

6. The said Company shall have the power to occupy and enjoy the portions of the shore of Lake Couchiching for the distance of one thousand yards, on each side of the mouth of said Canal or Tramway, for the storage and mooring of timber, lumber, or sawlogs.

Portions of Lake Shore may be occupied.

Person owning  
land may sell  
to company.

7. After said strip of land shall be set out and ascertained, as required, for making and completing the said Canals, and Rail or Tramway, and after the said portions of the Shore of Lake Couchiching can be ascertained, it shall be lawful for all persons who shall be entitled to any interest in said lands to bargain and sell such interest to the said company, and the company may contract, compound, compromise, or agree with such persons as to the price to be paid for said land; and in case of disagreement between the company and any such interested persons, as to the price or compensation for said lands, or for the shore frontage, or for any lands flooded or injured by the works of the company, it shall be lawful for such disagreeing person to nominate one indifferent arbitrator, and for the company to appoint another indifferent arbitrator, who, together with a third to be chosen by them, shall award and order the amount to be paid by the company; Provided that any such award may be enforced or set aside in like manner as the awards of arbitrators, in civil cases, in this Province.

In case of dispute as to price, arbitrators to be appointed.

Proviso.

Tolls and Tariff may be imposed.

8. It shall be lawful for the company to levy tolls from persons using said canals or tramway, and to impose a tariff upon the carriage of timber, lumber, sawlogs, or other freight over the same; Provided the rate of such tolls and tariff shall be equal for all persons and shall be first approved, and shall, from time to time, be subject to revision by the Lieutenant-Governor in Council; Provided further that in no case shall any tolls be levied from any person for using the present channels of the said St. John and Black River, whether their present course be improved or not, nor shall any tariff be imposed on the carriage of any timber, lumber, sawlogs or other freight over the said present channels, whether their present course be improved or not; and provided further that all persons paying the authorized tolls and tariff, shall have the right to use the said canals and tramway at all seasonable times.

Proviso.

Provisional Directors.

9. Frederick W. Cumberland, Henry W. Sage, Thompson Smith, William Lount, Dalrymple Crawford, DeWitt Linn, Humphrey Lloyd Hime, and S. W. Farrell, with power to add to their number, shall be, and are hereby constituted a Board of Directors of the said company, and shall hold office as such until other Directors shall be elected under the provisions of this Act by the Shareholders, and shall have power and authority, immediately after the passing of this Act, to open Stock Books, and procure Subscriptions, for the undertaking; to make calls upon Subscribers, and to cause Surveys and Plans to be made and executed.

May open stock books and make calls.

Capital Stock.

10. The capital stock of the said company shall be Forty Thousand Dollars, divided into Eight Hundred Shares, of Fifty Dollars each, and may be issued at such times, and in such proportions, as the Directors may think proper; Provided that Stock to the amount of eight thousand dollars shall be subscribed and paid up before the company shall go into operation.

11. This Act, and all the provisions thereof, shall become null and void unless the construction of the said Canals or tram-way be commenced within two years, and completed within four years after the passing of this Act.

Commence-  
ment and com-  
pletion of work.

12. The Joint Stock Companies General Clauses Consolidation Act, being the Act, twenty-four Victoria, chapter eighteen, shall extend and apply to the Company hereby incorporated.

24th Vic. cap.  
18 to apply.

## CAP. LXVII.

### An Act to Incorporate the Gananoque Water Power Company.

[Assented to 4th March, 1868.]

**W**HEREAS, Thomas Brown Anderson, of the City of Montreal, in the Province of Quebec; Philip Low, of the Town of Picton, in the County of Prince Edward, and Province of Ontario; and William Stone Macdonald, of the Village of Gananoque, in the County of Leeds, and Province of Ontario, Esquires, have, by their Petition, represented that they are the owners of divers premises, comprising the bed of the River Gananoque, in the First Concession, and the Broken Front of the First Concession of the Township of Leeds, in the County of Leeds, and Province of Ontario, and of extensive water powers and privileges there situate, and formed by means of two dams called the Upper Dam and the Lower Dam, and that the developement and proper working of the same would be of great public advantage, and would be much facilitated by the incorporation of the Company by this Act incorporated, and have prayed for the passage of this Act; and whereas it is expedient to grant the prayer of the said Petitioners: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Preamble.

1. The said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, and all such persons as hereinafter shall become stockholders in the Company by this Act incorporated, shall be, and they are hereby constituted, ordained, and declared to be a body corporate and politic, by the name of "The Gananoque Water Power Company," with power and authority to make and ordain such by-laws, rules, orders and regulations, not being contrary to this act or to the laws of this Province, as shall be deemed useful or necessary for the interests of the said Corporation, and the management

Incorporation

Name



of its affairs and business, and from time to time to alter and change the said by-laws, rules, orders and regulations, or any of them.

Power to hold premises in Schedule A.

2. The said Company, by the name and style aforesaid, shall hold, possess and enjoy the various premises in the Schedule marked A, to this Act set forth and described, which are hereby vested in the said Company absolutely, for all the estate and interest therein which were of the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, at the time of the passing of this Act; and the said Company shall perform all the obligations, and pay all the charges to which the said premises or any part thereof, may be subject.

To acquire and hold other real estate, water powers, &c.

3. It shall be lawful for the said Company, by the name and style aforesaid, to acquire and take by purchase or lease, as may be agreed upon, and to hold, possess, and enjoy all such real estate, water powers, privileges and hereditaments, as shall at any time be necessary for the use, maintenance, improvement, or development of the water powers and privileges mentioned or referred to in this Act, or the Schedule referred to.

Business of the Company defined.

4. The business of the said Company shall be the management, maintenance and development of the premises, water powers, and privileges mentioned or referred to in this Act, or the Schedule thereto.

Water power of Company divided into 1,000 stock shares. How shares vested.

5. The water power of that part of the Gananoque River by this Act, vested in the said Company is divided into one thousand shares each of which shares is a share of stock in the said Company, and all of which shares now belong to and are vested in the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, jointly.

Classification of Shares A. B. C.

6. Of these shares there are three classes, called respectively A, B, and C. Class A consists of shares used upon the Upper Dam, at the full head and fall of both dams; class B consists of shares used at the Upper Dam, at the head and fall between that dam and the Lower Dam; class C consists of shares used at the Lower Dam, at the head and fall of that dam.

Apportionment of shares to Class A.

7. The said Thomas Brown Anderson, Philip Low, and William Stone Macdonald shall apportion to class A a number of shares not exceeding two hundred and fifty; the aggregate number of shares in classes B and C shall be the balance after deducting from the whole one thousand shares the number apportioned to class A, and this balance shall be divided between classes B and C, in the proportion of one-fourth thereof in number to class B, and three-fourths thereof in number to class C.

Balance divided between B. and C.

Class A. Holders under.

8. The owner of each share in class A shall be entitled, in respect of such share, to one-thousandth part of all the water flowing

flowing in the River at the Upper Dam, not applicable to public uses.

9. The water at the Upper Dam, after deducting that at the time apportioned to class A, and not actually in use, shall be applicable to class B, and shall be returned into the pond above the Lower Dam, and shall be equally divided between the several shares in that class, so that the owner of each share in that class shall be entitled, in respect of such share, to a part of the said remainder, bearing the same proportion to the whole of the said remainder that one bears to the whole number of shares in that class.

Class B.  
Water at the upper dam, how apportioned.

10. The water from time to time flowing from the Upper Dam to the Lower Dam, after deducting that apportioned to class A, and not actually in use, shall be applicable to class C, and shall be divided equally between the several shares of that class, so that the owner of each share in that class shall be entitled, in respect of such share, to a part of the said remainder, bearing the same proportion to the whole of the said remainder that one bears to the total number of shares in that class.

Class C.  
Water from the upper to lower dam, how apportioned.

11. In order to exemplify this scheme:—Supposing the whole volume of water in the stream, not applicable to public uses, to be twenty thousand cubic feet flowing in each minute of time, and that two hundred shares of the water power are used in class A, there will remain eight hundred shares, of which one-quarter, or two hundred shares, will appertain to class B; and three-quarters, or six hundred shares, to class C; and the quantity of water which a share in each class will be entitled to use, will be as follows:—Class A, one-thousandth part of the whole volume of water,  $\frac{20,000}{1,000}$  equal to twenty cubic feet per minute. Class B, a two-hundredth part of the volume of water remaining at the Upper Dam, after deducting that used in class A,  $\frac{20,000 - (20 \times 200)}{200}$ , equal to eighty cubic feet per minute. Class C, a six-hundredth part of the volume of water flowing from the Upper to the Lower Dam,  $\frac{20,000 - (20 \times 200)}{600}$  equal to 26.9 cubic feet per minute.

Scheme exemplified.

12. The water above the Upper Dam is to be kept as nearly as possible up to the level of a certain mark on a certain rock, now owned by said Macdonald, and situate on the west side of the said premises, near the present oat mill, which mark is fixed and ascertained by an iron bolt which has been inserted in the said rock, within and surrounded by the lines of a triangular mark cut in the face of the said rock, in the following form, thus,  $\Delta$ .

The water above the upper dam to be kept up to a certain level.

13. The water above the Lower Dam shall be kept as nearly as possible to the level of a rock near the blacksmith's shop of one George Stunden, at the north-west corner of the bridge across the Gananoque River, on the east side of the said premises,

Level of the water above the lower dam.

SES,

ses, in which rock an iron bolt has also been inserted, the said bolt being likewise surrounded by a triangular mark cut in the face of the rock, in the following form, thus,  $\triangle$ , the difference between the levels of the water on the Upper Dam and of that at the Lower Dam being, as nearly as may be, seven feet.

Stock to be deemed real estate.

14. The stock of the said Company shall be deemed real estate, and shall be assignable in such a manner and subject to such conditions and restrictions as this act and the by-laws prescribe.

Shareholders entitled to certain water privileges.

15. The proprietor of each share of the stock is and shall be entitled, in respect to such share, to the use of the water of which such share consists, subject to the conditions, restrictions, regulations and charges hereby and by any by-laws from time to time prescribed; and in order to compute and apportion the quantity of water of which each share, shall, during the season of low water, be deemed to consist, it shall be the duty of the Directors between the first day of August and the first day of October, one thousand eight hundred and sixty-eight, to have an estimate made by a competent engineer of the flow of water in the said river, and to have like estimates made in any future years, if from the decrease of water in the said river, or from any other cause, it shall appear to the Company or to the Directors proper so to do, and such estimates shall form the basis of such computation and apportionment.

Water, where to be taken from.

Expenses of construction of flumes, head-gates, &c.

16. Such water shall be taken only from such place as the said Company shall designate, and in such manner as the Company shall approve; and all expenses for construction, enlargement, extension and maintenance of flumes, head-gates, raceways or other works required for the application to his buildings of the shares of water purchased by any person shall be borne by such person; Provided nevertheless, that should any enlargement or extension of the present canals or flumes be necessary for the proper supply of water to any water lots sold, or to be sold by the said Thomas Brown Anderson, Philip Low, or William Stone Macdonald, their heirs or assigns, the original cost of such enlargement or extension shall be borne by such vendor or vendors; the cost of the future maintenance only of such works to be borne by the Company.

Shareholders to pay apportionment of expenses under any By-law, &c.

17. The proprietor of each share, in addition to the construction and maintenance of his works referred to in the sixteenth section of this Act, shall pay, in respect of such share, an equal proportion of all expenses incurred by the Company, under the authority of any by-law of the Company, for the purposes of the Company, or for the regulation and supervision of the use of the water, and for the repair, erection, and supervision of dams, raceways, flumes, and other works or appurtenances which now are or may hereafter become necessary or convenient for the use and maintenance of any part of the water



water power, and any expenditure in connection with the Marble Rock Dam and Property referred to in the schedule to this act, and any expenditure which the Company may under the authority of this Act incur.

18. Provided always, that no proprietor, who, for a period of one year or more continuously shall not have used or availed himself in any wise of his share or shares, shall be liable during such period of non-user, to pay his proportion of the expenditure incurred during such period of non-user, until the resumption of user: but the proprietor at the time of such resumption shall become and be liable to, and may be sued for, and the share shall remain chargeable with the payment of such proportion of the expenditure so incurred.

Exemption in case of non-user.

19. Provided further that the exemption from liability, by the eighteenth section of this act created, shall not apply to the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald, so long as they shall jointly hold more than three hundred shares, or to any two of them so long as such two shall jointly hold more than two hundred shares, or to any one of them who shall hold more than one hundred shares, so long as he shall hold more than one hundred shares.

When exemption shall not apply to parties named.

20. At all meetings of the Company each proprietor, or each set of joint proprietors of a share or shares, in respect of which he or they is or are at the time of voting liable at once to pay his or their proportion of the expenditure of the Company then incurred or contemplated, and who is or are not in default in respect of any such payment, shall be entitled to one vote in respect of each such share, and all votes may be given in person or by proxy, provided always that the proxy is held by a proprietor or joint proprietor entitled to vote at the meeting.

Number of votes.

Proxy.

21. No share, in respect of which the proprietor is in default to the Company, shall be assignable during the continuance of such default, and in case of default, the Company shall have the power, during the continuance of such default, to cut off the water of which such share consists, and the proprietor shall not be entitled to the use thereof.

Share not assignable while proprietor in default.

22. The affairs of the Company shall be administered by a Board of not less than three or more than five Directors, being severally holders of not less than twenty shares of stock, who shall be elected at the first general meeting, and thereafter at each annual meeting of the Company, to hold office until their successors are elected, and who, if otherwise qualified, may always be re-elected; and a majority of the members of the Board of Directors, present in person or by proxy, shall be a quorum thereof; failure to elect directors shall not dissolve the Corporation, and an election may be had at any General Meeting of the Company to be called for the purpose.

Board of Directors.

Their powers.

**23.** The Board of Directors shall have full power in all things to administer the affairs of the Company, and to make or cause to be made any purchase and any description of contract which the company may by law make ; to adopt a common seal ; to make from time to time any and all by-laws (not contrary to law or the votes of the Company) regulating and providing for all the affairs of the Company ; the appointment, functions, duties, and removal of all agents, officers, and servants of the Company ; the time and place for holding the meetings of the Company ; the calling of meetings of the Company and the Board ; the requirements as to proxies ; the procedure at meetings ; the site of the place of business ; and the conduct in all particulars of all the affairs of the Company ; as fully and effectually as if such by-laws were passed by the Company ; but every such by-law, and every repeal, amendment, and re-enactment thereof, shall be reported to the next annual meeting of the Company, and may be disallowed by that or any other general meeting of the Company ; and any copy of any by-law under the seal of the Company and purporting to be signed by any officer thereof shall be *prima facie* evidence of such by-law.

Copy of by-law  
to be *prima*  
*facie* evidence.

Directors.

**24.** Until the first election of such Board, the said Thomas Brown Anderson, Philip Low, and William Stone Macdonald shall be the Board of Directors of the Company.

Non-liability as  
to trusts.

**25.** The Company shall not be bound to see to the execution of any trust, express, implied or constructive, in respect of any shares.

Non-liability of  
shareholders.

**26.** The Shareholders of the Company shall not, as such, be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company.

Contracts and  
notes, &c., of  
Directors and  
others, to bind  
Company on  
certain condi-  
tions.

**27.** All contracts, promissory notes, bills of exchange, or engagements made on behalf of the Company by the Directors, officers, agents, or servants of the Company, in accordance with their powers under the by-laws, or by vote of the Company, shall be binding on the Company, and in no case need the seal of the Company be affixed thereto, nor shall such Directors, officers, agents, or servants become individually liable to any party therefor ; Provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange, payable to bearer, or intended to be circulated as money or as the notes or bills of a bank.

## SCHEDULE A.

All that parcel or tract of land and premises comprising the bed of the River Gananoque, and situated in the first concession, and Broken Front of the first concession of the Township of

of Leeds, in the County of Leeds, and Province of Ontario, with the appurtenances as described in the patents from the Crown of the West half thereof to one Joel Stone, and of the East half thereof to one Sir John Johnston, and subject to the reservations contained in the said patents; and which premises comprise and are in fact composed of certain valuable water-powers with the lands adjacent thereto and necessary for the use thereof, which powers and privileges are rendered available for manufacturing purposes by means of two Dams upon the said premises, across the said River Gananoque; one of which, being the one further from the outlet of said River, is known as the Upper Dam, and the other of which is known as the Lower Dam.

Also all those rights and privileges which, on the first day of August, one thousand eight hundred and sixty-one, or at any subsequent time, were vested in William Stone Macdonald, in respect of a dam called the Marble Rock Dam, situated on the said River Gananoque, about seven miles from the outlet thereof, subject to the duties and obligations to which he was or is liable in respect thereof, which rights and privileges were acquired and which duties and obligations were incurred for the benefit of the said water powers.

### CAP. LXVIII.

#### An Act to Incorporate the Royal Niagara Hotel Company.

[Assented to 4th March, 1868.]

**W**HEREAS the Royal Niagara Hotel Company have, by Preamble. their Petition, represented that Twenty Thousand Dollars of the capital stock of the Company have been subscribed, and Eight Thousand Dollars paid up, and that the works for building their Hotel in the Town of Niagara are now in progress; and in order to extend their powers and their Capital and enable them to complete their establishment and carry on their business more effectually they desire to have their Company brought under the operation of a special act of incorporation; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

**I.** Upon and after the passing of this Act the Shareholders in the Royal Niagara Hotel Company, that is to say, Henry Paffard, Donald Robertson, Angus Morrison, Robert Best, George A. Clement, William Kirby, S. H. Follett, T. M. Rowland, John McConnell, H. W. Crysler, G. J. Miller, John Powell, William

Certain persons incorporated.



Corporate  
name.

Real and per-  
sonal property  
vested in the  
Company in-  
corporated by  
this Act.

Capital Stock  
\$50,000.  
Shares \$50  
each.

Existing Stock,  
how payable.

Proviso.

William Bishop, John R. Munro, Robert Warren, F. M. White-  
law, P. E. Jones, Alexander Oliver, W. J. Meneilly, Walter  
A. Dickson, A. Lemon, James Henderson, David S. Keith,  
John Kay, Thomas Dick, T. McGarr, Duncan Milloy, A. Mc-  
Millan, Martin Morrison, J. C. McMillan, John Shaunnasy, James  
Michie, William Walton, Charles G. Fortin, James Thorburn,  
J. W. Phillips, John Duggan, together with such other persons as  
shall become shareholders in the same after the passing of this  
Act, shall be and continue to be a body corporate and politic,  
by and under the name of "The Royal Niagara Hotel Com-  
pany," and by that name shall be capable of suing and being  
sued, of contracting and being contracted with, and shall have  
perpetual succession and a common seal, and they and their  
successors shall be capable in law of purchasing, having and  
holding to them and their successors, any real or personal prop-  
erty, which may be necessary for the site and erection of the  
Hotel and other buildings and pleasure-grounds to be attached  
to it; and may erect, construct and complete, in the said Town  
of Niagara, a first-class Public Hotel and other buildings neces-  
sary thereto, and maintain and carry on the business of Hotel-  
keepers in the said buildings, or may lease the same, or the  
grounds belonging thereto, in whole or in part, for the carrying  
on of the said business; and all the property and estate, real and  
personal, belonging to the said Company, situated in the said  
Town of Niagara, shall immediately after the passing of this  
Act become vested in the Company incorporated by this Act,  
and the Company incorporated by this Act shall become and be  
bound for all debts and liabilities incurred by the said Company,  
previous to the passing of this Act of incorporation.

2. The capital stock of the Company shall be the sum of  
Fifty Thousand Dollars, in shares of fifty dollars each, and the  
stock of the said Company, already subscribed, shall be taken  
to be, and shall be entered on the books of the Company incor-  
porated by this Act as stock thereof, and the present holders of  
such stock, shall have credit thereon for whatever sums may have  
been paid thereon, and shall only be liable further upon, and to  
the amount still unpaid at the passing of this Act, upon the  
said stock by them respectively held in the Company, and the  
Stock Books of the said Company shall be continued open after  
the passing of this Act, under such regulations as a majority of  
the Directors may determine upon, until the full amount of  
the capital stock is subscribed.

3. The said capital stock already subscribed in the books of  
the Company, and the capital stock subscribed after the passing  
of this Act, shall be payable in such instalments as a majority  
of the Directors may determine upon; Provided always, that  
no instalment shall exceed twenty-five per cent. on the capital  
stock, nor be called for, nor become payable in less than twenty  
days after notice by a circular addressed to each shareholder,  
at his or her last known place of residence, and if any share-  
holder

holder or shareholders shall refuse or neglect to pay such calls, he, she or they shall, at the option of the Company, forfeit such share or shares so subscribed for with the amount previously paid thereon, and such forfeited share or shares may be sold by public auction by the Directors, after such notice as they may direct, and the money arising therefrom applied for the purposes of this Act; Provided always, that if the moneys produced by any such sales shall be more than sufficient to pay all arrears and interest, together with the expenses of such sale, the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay such arrears, interest and expenses; Provided, also, that such purchaser or purchasers shall pay to the said Company the amount of the instalment required over and above the purchase money of the share or shares to be purchased by him, her or them, as aforesaid, immediately after the sale, and before any certificate of the transfer of such sales shall be given.

4. If payment of such arrears, interest and expenses be made before any shares, so forfeited and vested in the company, shall have been sold, such shares shall revert to the party to whom the same belonged before such forfeiture, as if such had been duly paid; and in all actions and suits for calls, which the Company are hereby authorized to bring and institute, it shall be sufficient to allege that the defendant, being the owner of such shares, is indebted to the Company in such sums as the arrears amount to, for such and so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessary to prove that the defendant was owner of some such shares in said Company, that such calls were in fact made, and that notice by circular was given as directed by this Act, and it shall not be necessary to prove the appointment of the Directors who made such calls, or any other matter whatever. Recovery of arrears of instalments if not paid.

5. The stock, property, affairs and concerns of the said Company shall be under the management of a Board of ten Directors, one of whom shall be elected President, and another of whom shall be elected Vice-President, by and amongst themselves, and five members of such Board, present in person, shall be a quorum thereof, each of which said Directors shall be a shareholder and possess in his own right, not less than four shares of the capital stock of the said Company; and the first Directors under this Act, shall be Henry Paffard, William Kirby, Angus Morrison, Donald Robertson, F. M. Whitelaw, George A. Clement, Duncan Milloy, Robert Best, S. H. Follett, and T. M. Rowland—and they shall hold office till the first general meeting of the shareholders, which shall take place at the said Town of Niagara, on the first day of July, one thousand eight hundred and sixty-eight—and thereafter the Directors shall be elected at a general meeting of the shareholders, to be holden on the first Tuesday in June in each year, at such place Directors. Names of Directors. Directors' annual election.

place, and in such manner, as the majority of the Directors, for the time being, shall direct and appoint; and the election shall be held, and be made, by such of the shareholders as shall attend either in person or by proxy, and such election shall be made by ballot; and if any Director shall die, resign, refuse or become incapable to act, or cease to be a Director from any other cause, the remaining Directors shall if they think proper, elect in his place another shareholder to be a Director, who shall hold office until the next annual meeting.

Filling vacan-  
cies.

Provision in  
case of failure  
to elect Direc-  
tors on day ap-  
pointed.

6. In case, at any time, an election of Directors shall not be made on the day herein appointed, the said Company shall not, on that account, be deemed to be dissolved, but it shall, and may be lawful on any other day, to hold, and make an election of Directors in such manner as shall have been regulated by the by-laws, rules and regulations of the said Company.

Power of Direc-  
tors.

7. A majority of the Directors shall have full power and authority to make, prescribe and alter such by-laws, rules, regulations and ordinances as shall appear to them proper and needful, touching the management and disposition of the stock, property, estate and effects of the Corporation and the management of its affairs; also to declare and cause to be paid and distributed to the respective shareholders any dividend or dividends of profits at such times as they may think proper, or add the same to the paid up portion of the capital stock; and also to appoint such officers, clerks, servants and agents, and at such salaries as they may think proper.

Scale of votes.

8. Each shareholder shall be entitled to one vote for each share held by him or her in the stock of the Company, in his or her own name or names, for at least two months previous to the day of election; and no transfer of any share shall be valid until entered in the books of the Company according to such form as the Directors may from time to time appoint; and until the full amount of the shares subscribed for shall have been paid up, it shall be necessary to obtain the consent of the Directors to such transfer being made; Provided always that no shareholder indebted to the Company shall be permitted to make a transfer, or receive a dividend until such debt be paid or secured to be paid, to the satisfaction of the Directors.

Transfer of  
shares regulat-  
ed.

Proviso.

Company may  
enter into con-  
tracts for the  
purchase of  
lands, &c.

9. The Company shall have power and authority to make and enter into such deeds, contracts, agreements, or other instruments as may be necessary for acquiring lands for the purpose of a site for an Hotel and conveniences therewith to be used, and for the erection of such Hotel with or without stores or shops as they may deem desirable, and to furnish the same and generally to do all and whatsoever, may be requisite in and about the premises; and to enter into and execute all such leases and other agreements for leasing and letting the same, as they may think proper or deem most advantageous for the Company; and all deeds,



deeds, leases, agreements, contracts, and other instruments shall be subscribed by the President, or in case of his absence by two of the Directors and the Secretary.

Contracts to be signed by the President or two directors, &c.

10. The said Company may borrow money to the extent of three-fourths of its capital, for the purpose of carrying on its establishment, when at any general or special meeting of the shareholders, called for that purpose, a vote to that effect shall be carried by two-thirds of the votes at the said meeting, recorded personally or by proxy; and as security for moneys so borrowed by the said Company, the said Company may mortgage the whole or any part of its real or personal estate to an amount not exceeding two-thirds of its actual value, and may issue Debentures pledging all the said real and personal estate of the said Company for payment of principal and interest accruing due on the same; Provided always that the said Debentures are for amounts not less than One Hundred Dollars each, and that a certificate, as they are issued, under the seal of the said Company and signature of the President or Secretary, shall be filed in the office for the registration of titles to land in the County of Lincoln, which certificate shall be open to inspection by any person on the payment of twenty-five cents for each inspection.

Power to borrow money, mortgage property and issue debentures.

Proviso as to registration of certificates.

11. The Shareholders of the said Company shall not as such be held responsible for any act, default, or liability whatsoever of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Limited liability of shareholders.

12. And whereas the Corporation of the said Town of Niagara, by and under the provisions of the Statutes of Canada, Chapter Thirty Twenty-fifth Victoria, and Chapter Seventy Twenty-ninth and Thirtieth Victoria, recovered from the Corporation of the County of Lincoln the sum of eight thousand dollars; and the said Corporation believing the building of the said Hotel in the said Town of Niagara would add to the prosperity of the said Town, and with the approval of a majority of the ratepayers thereof, did on the sixteenth day of July and on the fifth day of November in the year one thousand eight hundred and sixty-seven, pass two several resolutions in Council agreeing to subscribe the said sum of Eight Thousand Dollars towards the capital stock of the said Company, and the said Corporation have in fact subscribed the same, and now are the holders of shares in the capital stock of the Company to that amount; and whereas doubts exist as to whether the said Corporation have the power to apply the said sum of Eight Thousand Dollars in the manner aforesaid, or to hold and possess shares in the capital stock of the said Company, or the Company to be incorporated by this Act, and it is expedient to remove such doubts; Therefore the said respective resolutions passed by the

25 V. c. 50 and 29 and 30 V., c. 70.

Corporation of the Town of Niagara subscribed \$8000 towards the capital stock.

the

Stock held by  
the Corporation  
legalized.

the said Corporation, applying the said sum of Eight Thousand Dollars as aforesaid and the right of the Corporation to hold shares in the capital stock of the said Company, and of the Company incorporated by this Act, to that amount, are hereby legalized and declared to be valid, to and for all intents and purposes whatsoever.

Mayor of Niagara  
to be *ex-officio*  
Director

13. So long as the Corporation of the Town of Niagara hold shares in the capital stock of the Company incorporated by this Act to the amount of Eight Thousand Dollars, the Mayor of the said Corporation shall be, *ex officio*, one of the Directors of the Company incorporated by this Act in addition to the number of Directors authorized by this Act, and shall have the same rights, powers and duties, as the other Directors of the Company.

## CAP. LXIX.

### An Act to Incorporate the Royal Canadian Yacht Club.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS the persons hereinafter named, with a large number of others, in Toronto, and elsewhere, in the Dominion of Canada, have associated themselves for the establishment of a Club, for the purpose of encouraging Yacht Building, and sailing in the Canadian Waters, and have prayed to be incorporated by the name of "The Royal Canadian Yacht Club," having been permitted by her most Gracious Majesty to assume the style of "Royal," and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

Incorporation  
of Members.

Of the Royal  
Canadian  
Yacht Club.

Common seal.

May hold  
lands, &c.

1. Edward M. Hodder, George H. Wyatt, B. R. Clarkson, H. L. Hime, and William Armstrong, Esquires, the Officers, and such other persons as now are or hereafter shall become members of the said Association, shall be, and are hereby declared to be, a body politic, and corporate, in deed and in name, by the name of "The Royal Canadian Yacht Club," and by that name shall have perpetual succession, and a common seal, and shall have power, from time to time, to alter, renew, or change, such common seal, at their pleasure, and shall by the same name, from time to time, and at all times hereafter, be able and capable to purchase, acquire, hold, possess, and enjoy, and to have, take, and receive to them, and their successors, such lands, tenements, and hereditaments, and real and immoveable property and estate, situate, lying, and being within the city of Toronto,

Toronto, as may be necessary for the actual use or occupation of the corporation as a club house and dependencies; and the same to sell, alienate, and dispose of whensoever the said Corporation may deem it proper so to do; and by the same name shall, and may, be able and capable in law, to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever; and the constitution, rules, and regulations now in force, touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent with the laws of this Province, shall be the constitution, rules, and regulations of the said Corporation; Provided always that the said Corporation may, from time to time, alter, repeal, and change such constitution, rules, and regulations, in the manner provided by the constitution, rules, and regulations of the said Corporation.

Constitution  
and Rules.

Power to alter  
and repeal, &c.

2. All property and effects now owned by or held in trust for the said Association, are hereby vested in the said Corporation, and shall be applied solely to the maintenance of the said Corporation.

Property and  
effects now  
owned to be  
vested in the  
Corporation.

3. No member of the Corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee, and the annual subscriptions which may remain unpaid by such member; and any member of the Club, not being in arrear, may retire therefrom, and shall cease to be such member, on giving notice to that effect, in such form as may be required by the by-laws thereof, and thereafter shall be wholly free from liability for any debt or engagements of the Club.

Liability of  
members lim-  
ited.

Retirement of  
members.

4. It shall be lawful for the said Corporation to issue Stock to such extent as they may deem necessary, not exceeding, in the aggregate, the sum of Thirty Thousand Dollars, in Shares of Fifty Dollars each; such Stock to be subscribed for in a Book, to be opened for that purpose, by a committee of the said Club, and to be paid up in such manner, and within such time, as may be determined by the said committee.

Corporation  
may issue  
Stock not ex-  
ceeding \$30,000

5. The funds arising from such stock shall be applied exclusively to the purchase of land or buildings, for or to the erection of a Club House, and dependencies, and to furnishing the same.

Erection of  
Club House,  
&c.

6. The Shares of such Stock shall be assignable by delivery, and surrender of the certificates to be issued to the holders of such Shares, respectively, and by assignment on the books of the Corporation.

Shares assign-  
able.

7. Each holder of such Stock, duly paid up, shall be a Proprietor of an undivided Share of the real estate of the Corporation, and of the buildings thereon to be erected, and shall be

Holders to be  
proprietors of  
undivided  
Shares of the  
real estate.



be exempt from all liability beyond the extent of the Stock he shall actually hold.

Shares in Stock  
may be paid off  
by ballot.

8. It shall be competent to the said Corporation to pay off so much of the said Stock, from time to time, as the said committee may deem desirable; the Share or Shares, so to be paid off, to be selected by the said committee by ballot.

Corporation to  
furnish state-  
ments.

9. The said Corporation shall make and furnish to the Lieutenant-Governor and to the Legislative Assembly of the Province of Ontario, during the first fifteen days of the first Session thereof in each and every year, a full and unreserved statement of the affairs of the said Company, and of its funds, property and securities.

## CAP. LXX.

An Act to enable the Trustees of St. Andrew's Church, in the Town of Chatham, to sell lands held by them for the use of the congregation and for other purposes.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS it hath been made to appear by the petition of the Reverend John Rannie and others, Trustees and members of the congregation of St. Andrew's Church in Chatham of the Presbyterian Church of Canada in connection with the Church of Scotland, that by Letters Patent, bearing date the eighteenth day of September, one thousand eight hundred and thirty-seven, a certain parcel of land of ten acres in the said Town of Chatham, and more particularly described in the said Grant, was granted by the Crown to one Robert Innes and others therein named, in Trust, for the benefit of the said Presbyterian congregation at Chatham, in connection with the Church of Scotland; that the said Robert Innes and all the other original Trustees named in the said grant, are either now dead or have removed from the Town of Chatham, and neighbourhood: and that it is now desirable to sell the said lands for the benefit of the said congregation; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Grant in trust  
for the Presby-  
terian Congre-  
gation at Chat-  
ham.

The present  
Trustees declar-  
ed duly autho-  
rized to act.

1. The said land and all the estate and interest therein of the grantees named in the said letters patent shall be by virtue of this Act and from henceforth be deemed to be and are hereby declared to be vested in fee simple in the present Trustees of the said congregation, viz.: William Neilson, John McKay,

Charles

Charles George Charteris, William McNaughton, William Ferguson, John McCormick, William Adams, Duncan Campbell and Duncan McNaughton, (who are hereby declared to be the sole present Trustees duly authorized to act in behalf of the said congregation, notwithstanding any irregularity, if any, in their appointment); and they and their successors in office, to be appointed as hereinafter provided, shall hold the same upon the trusts set forth in the said letters patent.

2. The Trustees last above named shall continue to be Trustees until they die or resign their office or leave the Church; when the number of the present Trustees shall have fallen by death or otherwise below seven, a new appointment of one or more shall be made, as hereafter provided, to bring their number up again to seven, which shall hereafter be the legal number; the election of all future Trustees shall be vested in the congregation, and such election shall take place at the next Annual Congregational Meeting after the number of the present Trustees has fallen below seven, or at the next Annual Congregational Meeting after any future vacancy shall take place, of which meeting the usual notice shall be given; a Minute of the election of such new Trustees, signed by the Chairman and Secretary or the Congregational Meeting, shall be sufficient evidence of their Election, and such Minute shall be entered in the records of the Trustees; the Trustees shall appoint, from their own number, a Chairman and Secretary annually; the officers now holding the said appointments, respectively, shall continue as such for the present year; and at any duly called meeting of the Trustees four shall be a quorum.

Provision for new appointments.

Election vested in the congregation.

3. It shall be lawful for the Trustees for the time being to make sale of the whole or any part of the said lands at such times and prices and on such terms and by private or public sale as they may think best, and with power to take mortgages to secure the purchase moneys, or any part thereof; Provided that such sale or sales be made subject to the right of the lessees under the leases now granted of part of the said lands; and the said Trustees shall have the power to take a surrender of any of the said leases upon such terms as may be agreed upon.

Power to the Trustees to sell.

4. The Trustees for the time being are hereby authorized and required, after the payment of all necessary and reasonable charges and expenses, without unnecessary loss of time, to invest in Government Securities or Municipal Debentures as the Trustees may deem best, at such rates of interest and on such terms as may be agreed on, all moneys received from the sale of the said lands, except the sum in the fifth section mentioned, and from time to time, as may be thought expedient to change such investments; Provided that the interest only of the said moneys, so invested, shall be applied to the ordinary uses and purposes of the said congregation.

Investment of Proceeds.

At Interest.  
Except \$3,500.

For the erection of a new Church.

5. The Trustees for the time being shall have power to apply a sum, not exceeding the sum of three thousand five hundred dollars, out of the proceeds of the sale, in aid of the erection of a new church for the said congregation on such site as may be selected in the said Town of Chatham.

Officers to be appointed to execute deeds, &c.

6. The Trustees, for the time being, may by resolution authorize and appoint their chairman and secretary to execute deeds of the lands sold under this Act, which resolution shall specify the lands to be conveyed, the names of the purchasers, and the amount of the purchase money, and also to give receipts, discharges of mortgages and other acquittances; and shall appoint a Treasurer who before entering on the duties of his office shall give sufficient security for the proper discharge of his duties; and the said Trustees and Treasurer shall keep suitable books and records in which shall be entered the several transactions and proceedings of the said Trustees in connection with the lands, moneys and securities in this Act mentioned.

Also a Treasurer.

Books and records to be kept.

Form and validity of conveyance.

7. Any deed of conveyance given or executed under this Act may be in the form contained in the schedule hereto, and any deed executed by the chairman and secretary for the time being of the said trustees shall operate as a valid and effectual conveyance of the land therein described to the purchaser thereof, and of the fee simple and inheritance thereof; and such purchaser shall thereby acquire a good and indefeasible estate of inheritance in fee simple in the premises free from the trusts expressed in the said letters patent, and shall not be answerable or accountable for the purchase or consideration money stated in any such deed of conveyance, or be in any way liable for the application or misapplication thereof.

Purchaser not liable for application of purchase money.

### SCHEDULE REFERRED TO IN THIS ACT.

This indenture, made the                      day of                      in the year of our Lord, one thousand eight hundred and sixty                      , whereby it is witnessed that A. B. of                      Chairman of the Trustees of St. Andrew's Church, in the Town of Chatham, and C. D. of                      , Secretary to the said Trustees for and in consideration of the sum of                      to them paid by E. F. of                      the receipt whereof is hereby acknowledged have granted and conveyed, and by these presents do grant and convey for and on behalf of the said trustees, by virtue of the statute made and passed in the thirty-first year of Her Majesty's reign, Chapter                      , entitled "An Act to enable the Trustees of St. Andrew's Church, in the Town of Chatham, to sell lands held by them for the use of the Congregation, and for other purposes," unto the said E. F. his heirs and assigns, all



all that parcel of land (describing the premises), to hold the same with their appurtenances unto and for the only proper use and behoof of the said E. F. his heirs and assigns for ever.

Witness the hands and seals of the said A. B. and C. D. the day and year first above written.

Signed, sealed and delivered }	A. B.	L. S.
in the presence of }	C. D.	L. S.

### CAP. LXXI.

An Act respecting the grant of certain land in the Town of Woodstock to certain Trustees, for the purpose of a burial-ground for the members of the Presbyterian Church in the Town of Woodstock and its vicinity, to change the Trustees thereof, and to provide for the appointment of their successors.

[Assented to 4th March, 1868.]

WHEREAS, by Letters Patent, dated the eighth day of January, in the year of our Lord one thousand eight hundred and forty-nine, certain parcels of land therein described as being Park Lot Number Four, in the Fourth Range, or north of Vincent Street, in the Town of Woodstock, were granted to John Douglas, George Strauchon, James Hughes, Robert Robertson, William Wilson, John Allan and James Kintrea, in trust for a burial ground for the members of the Presbyterian Congregations of the Town of Woodstock and vicinity, and their successors in office for ever :

Letters Patent  
to Trustees.

In trust for a  
burial ground.

And, whereas, the said John Allan is now deceased, and the said Robert Robertson has removed from the Dominion of Canada and gone to the United States of America, there to reside permanently ;

Trustees absent

And, whereas, no provision is made in the said Letters Patent for the appointment of successors in office to the Trustees therein named ;

And, whereas, the said John Douglas, George Strauchon, James Hughes, William Wilson and James Kintrea, have, by their petition, dated the thirty-first day of December, in the year of Our Lord one thousand eight hundred and sixty-seven, prayed that an Act might be passed to appoint new Trustees to regulate the appointment of their successors and for other purposes ;

poses; and it is expedient to grant the prayer of such petition; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Trustees successors.

1. That the successors in office of the Trustees aforesaid shall be appointed in the following manner, that is to say: The said John Douglas, George Strauchon, James Hughes, William Wilson and James Kintrea, being the only surviving members of the original body of Trustees appointed by the said Letters Patent, now in connection with the Presbyterian Congregations of Woodstock and its vicinity, shall be, and are hereby, declared to be the Trustees to hold the said lands for the purposes mentioned in the said Letters Patent, until the first day of February, one thousand eight hundred and sixty nine, or until their successors are appointed as hereinafter mentioned, and that their successors shall be appointed to hold office for one year from the first day of February in each and every year thereafter, or until their successors are appointed, as follows:

Election.

2. The Trustees of each congregation of the Presbyterian Churches, in the town of Woodstock, or its immediate vicinity of each denomination thereof, at present known or recognized as a part or branch of either of the said Churches, shall from amongst themselves elect two of their number to be trustees of the said burial ground in place of the retiring trustees thereof, at a meeting of them the said trustees of each of the said congregations, to be holden on the third Tuesday of January, in each and every year; Provided that the retiring trustees of the said burial ground shall always be eligible for re-election.

Book of Proceedings.

3. It shall be the duty of the Secretary of such meeting of the trustees of each of said congregations to record in a book to be kept for that purpose, which book shall be the property of the Trustees for the time being, all the proceedings of such meetings, in so far as the same relate to the appointment of trustees of the said burial ground, and the same may be inspected by any member of the said congregations at all reasonable times.

Vacancies how filled up.

4. In case of the death, removal, or refusal to act of any person appointed to act as a Trustee under this act, the vacancy may be filled by the election of another person as such Trustee, by the Trustees of the congregation who elected such person, who has died, removed, or refused to act, at a special meeting to be called for that purpose, by notice from the pulpit of the congregation to which such Trustees belong, to be given immediately after the conclusion of divine service on the Sunday morning previous to the day on which such meeting is to be held.

Trustees and their successors to hold lands patented.

5. The present Trustees, except the said Robert Robertson, who is hereby removed from such trusteeship, and their suc-

cessors in office, in whom the said lands shall be vested, immediately upon their appointment to and acceptance of the office, shall, by the name of "The Trustees of the Presbyterian Burial Ground in the town of Woodstock," hold, occupy and enjoy the lands granted by the said letters patent for the uses and purposes therein mentioned, and by that name may bring or defend any action or suit at law or in equity against any person or persons, or body corporate, in respect of any matter or thing relating to the said lands or premises, or the fees for burial therein.

**6.** The said lands shall be exempt from taxation of every kind. Exempt from taxes.

**7.** The said Trustees shall have power to purchase other lands not exceeding twenty-five acres, to be used only for the same purposes as the lands hereinbefore mentioned. Power to purchase other lands.

**8.** The said Trustees shall have power from time to time to make such by-laws as may be necessary and reasonable for the preservation and improvement of, and the repairing and general management of the said burial ground, and such other lands, limited as to quantity as aforesaid, as may be acquired by the Trustees for that purpose, and all erections and enclosures thereon. To make by-laws.

**9.** The said Trustees shall have power to grant to any person or persons the exclusive right to use any particular portion of the said land as a burial place, and to charge such fees therefor as they shall reasonably appoint, but in case of the death of any member of such Presbyterian Churches, who has not left sufficient property to pay for a place of burial, the said Trustees shall appoint a place where he or she may be buried in said land without any charge or fee therefor. To grant burial sites.

**10.** All such fees as shall be collected by virtue of the foregoing provision, shall be used in the maintenance, improvement and repairing of the said burial ground, or the erections and enclosures thereon, or in the purchase and improvement of more land, but limited as aforesaid, to be used for the same purpose. Appropriation of fees.

**11.** At the first meeting of the said Trustees they shall elect a Chairman and a Secretary-Treasurer for the current year, and all future meetings during the year shall be called by such Chairman, giving, at least, five days' notice, in writing, to each of the Trustees of the time and place of such meeting unless at the previous meeting the time and place of such meeting shall have been fixed by the Trustees, or by notice from the pulpit of each of said congregations on the Sunday previous to such meeting. Election of Chairman and Secretary-Treasurer.

**12.** A majority of the said Trustees shall be a quorum for the Quorum.



the transaction of business, and in case the regular chairman is not present at any meeting, the Trustees who are present shall elect a chairman to preside at that meeting.

Casting Vote.

13. The Chairman shall not vote at any meeting except in the case of an equality of votes, in which case he shall give the casting vote.

Book of Proceedings:

14. The Secretary-Treasurer shall enter in a book, to be kept for that purpose, which shall be the property of the Trustees for the time being, full minutes of all proceedings had or taken by the said trustees, and full accounts of all receipts and disbursements received and made by them.

## CAP. LXXII.

An Act to place the Wesleyan Methodist Church and Parsonage Property, in the Township of Ancaster, in the County of Wentworth, under the directions and provisions of the "Model Deed" of the Wesleyan Methodist Church in Canada, in connection with the English Conference, for the better management thereof.

[Assented to 4th March, 1868]

Preamble.

WHEREAS certain of the Trustees of and others, members of the Wesleyan Methodist Church, in the Township of Ancaster, in the County of Wentworth, have by their petition set forth that they are desirous of changing the title to the lands and property now held in trust by the said Trustees, for the uses and purposes of said church, in the manner in and by the deed of conveyance thereto duly set forth and contained, and are further desirous that the Church and Parsonage property aforesaid may be placed under the directions and provisions of a deed known as the "Model Deed" of the said Denomination of Wesleyan Methodists, and bearing date the twenty-fourth day of May, one thousand eight hundred and fifty, and made between Joseph Bloor, of the Village of Yorkville, in the County of York, gentleman, of the first part, and Sarah Bloor, his wife, of the second part, and the Trustees of the said Wesleyan Methodist Church, in Canada, of the third part, and registered in the Registry Office for the County of York, on the twenty-fifth day of May, one thousand eight hundred and fifty, recognized as such "Model Deed," a copy whereof is inserted in the Book of Discipline of the said Wesleyan Methodist Church in Canada, in connection with the English Conference, published by the Rev. Anson Green, at Toronto, in the year first mentioned.

Model Deed.

24th May, 1850

And

And it is expedient to grant the prayer of the said petition.

Her Majesty therefore, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :—

**I.** From and after the passing of this Act, that portion of lot number thirty-seven, in the fourth concession of the said township of Ancaster, mentioned and described in the deed of conveyance aforesaid, as such church and parsonage property, more particularly described as follows :—Commencing on the front limit of said lot number thirty-seven, eight chains westerly from the northeast angle thereof, thence south thirteen degrees east two chains, thence south seventy-seven degrees west two chains and fifty links, thence north thirteen degrees west two chains to the front limit of said lot, thence north seventy-seven degrees east two chains and fifty links more or less to the place of beginning, shall be vested in Daniel Shaver, Orange Lawrence House, David M. Lee, Jacob A. Shaver and Egerton Shaver, as trustees, duly mentioned and described as trustees in the said deed of conveyance first herein mentioned ; to have and to hold the said church and parsonage property by the name of the “Trustees of the Ancaster Congregation of the Shaver Settlement Wesleyan Methodist Church in Canada, in connection with the English Conference,” in trust, and for the purposes and under the directions and provisions of the “Model Deed” aforesaid, for such and the same ends, uses, intents and purposes, and with, under, and subject to such and the same powers, provisions, declarations and agreements, and to be controlled, disposed of, and managed by the like authorities, officers, trustees and persons appointed, and to be appointed and acting in the same manner, and with the same duties, powers, liabilities and restrictions, in every particular and respect as are expressed, contained and declared, or referred to in the said “Model Deed,” saving always such rights as may have been acquired by any person or corporation prior to the passing of this Act.

Premises.

Vested in certain trustees.

Habendum.

Subject to certain powers.

Saving prior rights.

### CAP. LXXIII.

An Act to Authorize the Crescent Petroleum Association of New York and Canada to hold and dispose of certain lands.

[Assented to 4th March, 1868.]

**W**HEREAS, the President and Secretary of the Crescent Petroleum Association of New York and Canada, incorporated under the laws of the State of New York, have represented by their petition, that they, as a Foreign Corporation, became

Preamble.

became possessed, by purchase in fee simple, of certain lands in the Township of Enniskillen, in the County of Lambton, in the Province of Ontario, viz., the westerly half, and a part of the easterly half, of Lot number Thirteen, in the Tenth Concession of the said Township of Enniskillen, containing one hundred and ninety-five acres, two roods and four perches, more or less, as the same are particularly described by metes and bounds in the deed thereof, from one William B. Fowle to the said Crescent Petroleum Association of New York and Canada; And, whereas, the said Company acquired the said lands in ignorance of their inability, legally to purchase or convey real estate in Canada; And, whereas, the said company have petitioned that the said lands may be vested in them the said Company, and that they may be empowered to convey and alienate the said lands, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

The Company  
may hold the  
said lands and  
dispose of them.

1. The said Company are hereby declared to have been, at the time they purchased and took the conveyance of said lands, capable of taking and holding the said lands for such estate as shall have been conveyed, or intended so to be, and the President and Secretary of the said Company, for the time being, may, by deed or deeds under their hands and seals, sell and convey the said lands for such estate as aforesaid to any person or body corporate, or by such deed lease the same for a term of years, and any deed so executed, containing a receipt for the purchase money, shall relieve the purchaser from any liability to see to the application of the same, and from all liability for the non-application, or misapplication, thereof.

## CAP. LXXIV.

An Act to make valid Commissions for taking affidavits and Bail informally issued, and acts done in pursuance thereof.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS, the Honorable Sir John Beverley Robinson, Baronet, the then Chief Justice of the Court of Queen's Bench for Upper Canada; the Honorable Archibald McLean, and the Honorable Robert Easton Burns, then Justices of the said Court, did, under and by virtue of the powers vested in them by an Act of the Legislature of the late Province of Upper Canada, passed in the second year of the reign of His late Majesty King George the Fourth, issue or cause to be issued a Commission constituting and appointing one James Keays a Commissioner, to take and receive, within the United Counties

2 George IV.



Counties of Prescott and Russell, recognizances of bail and affidavits, which said Commission bears date the tenth day of June, one thousand eight hundred and fifty-six, and was informally issued without the seal of the said Court, as required by the said Act; and whereas the said James Keays hath, under and by virtue of the said Commission, taken affidavits of the due execution of deeds which have been thereupon registered, and it is necessary to legalize the said Commission, and all acts, matters and things legally done thereunder, and to authorize the Clerk of the said Court to attach the seal thereof to the said Commission; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Commission of  
J. Keays in-  
formally issued.

1. The Clerk of the Court of Queen's Bench of the Province of Ontario shall, on production thereof for such purpose, duly attach the seal of the said Court to the said Commission.

Informal com-  
mission to be  
sealed.

2. Such Commission, upon being duly sealed, as aforesaid, shall be deemed to have been legally issued, and all affidavits or recognizances of bail taken and received by the said James Keays, under and by virtue of such Commission, shall be deemed to have been legally taken and received; and every affidavit sworn before the said James Keays for the purpose of registering any deed or other instrument, shall be and be deemed to have been legally sworn; Provided always that nothing herein contained shall avoid any legal proceeding pending or had and determined previous to the passing of this Act.

Commission to  
be deemed to  
have been  
legally issued.

Proviso.

## CAP. LXXV.

An Act to give effect to an Indenture bearing date the first day of February, A. D. 1868, and made between Edmund Allen Meredith and Anne Frances Meredith, his wife, of the first part; Mary Louisa Nanton, of the second part; Lewis William Ord and Sarah Harriett Ord, his wife, of the third part; William Charles Gwynne and Frederick William Jarvis, of the fourth part, and James Henderson, the younger, of the fifth part.

[Assented to 4th March, 1868.]

WHEREAS, by an indenture bearing date the twenty-sixth day of April, in the year of our Lord one thousand eight hundred and fifty-one, and made between William Botsford Jarvis in his life time, of the City of Toronto, Esquire, since deceased,

Preamble

Indenture  
dated 26th  
April, 1851

Indenture  
dated 22nd  
April, 1862.

Marriage Set-  
tlement dated  
16th July, 1851.

Marriage Set-  
tlement dated  
15th May, 1855.

Marriage Set-  
tlement dated  
26th June, 1854

ceased, of the first part, Mary Jarvis, his wife, since deceased of the second part, and William Charles Gwynne and Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet, now the Chancellor of that part of the Dominion of Canada, formerly constituting the Province of Upper Canada, of the third part, which indenture was registered in the Registry office of the County of York, on the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-three, memorial number 49,922, and by virtue also of another indenture bearing date the twenty-second day of April, in the year of our Lord one thousand eight hundred and sixty-two, and made between one George Duggan, the younger, of the first part, Phœbe Ann Duggan, his wife, of the second part, and the above-named William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet, of the third part, and others of other parts, and registered in the Registry office of the County of York, on the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, memorial number 84,929, and by virtue also of an indenture by way of marriage settlement, executed upon the occasion of the intermarriage of Ann Frances Jarvis, daughter of the said William Botsford Jarvis and Mary, his wife, with one Edmund Allen Meredith, bearing date the sixteenth day of July, in the year of our Lord one thousand eight hundred and fifty-one, and of another indenture by way of marriage settlement executed upon the occasion of the intermarriage of Mary Louisa Jarvis, another daughter of the said William Botsford Jarvis and Mary, his wife, with one Augustus Nanton, since deceased, bearing date the fifteenth day of May, in the year of our Lord one thousand eight hundred and fifty-five, and of another indenture by way of marriage settlement, executed upon the occasion of the intermarriage of Sarah Harriett Jarvis, another daughter of the said William Botsford Jarvis, and Mary, his wife, with one Lewis William Ord, bearing date the twenty-third day of June, in the year of our Lord one thousand eight hundred and fifty-four, they, the said William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet became and were seised and possessed of divers lands and tenements, moneys and securities for money, upon certain trusts in the said respective indentures by way of marriage settlement declared for the benefit of the said Edmund Allen Meredith and Anne Frances Meredith and their issue, and the said Augustus Nanton and Mary Louisa Nanton and their issue, and the said Lewis William Ord and Sarah Harriett Ord and their issue, in equal undivided third parts severally and respectively, subject, however, to certain powers in the said respective marriage settlements contained, enabling the said Anne Frances Meredith, Mary Louisa Nanton and Sarah Harriett Ord, as to their respective undivided third parts or shares by deeds to be executed by them jointly with their respective husbands, by and with the consent in writing of the said Trustees, William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet, or the survivors

survivors of them, to alter the trust purposes upon which such respective undivided third parts or shares were so held in trust by the said William Charles Gwynne, Frederick William Jarvis and Philip Michael Matthew Scott Vankoughnet.

And whereas the said Philip Michael Matthew Scott Vankoughnet was, in the year of our Lord one thousand eight hundred and sixty-two, appointed Chancellor of Upper Canada, and thereupon, deeming it incompatible with his position as such Chancellor, to continue any longer to act in the Trusts of the said Indenture, he filed his Bill in the Court of Chancery for Upper Canada, praying to be relieved and discharged from the said Trusts and from being a Trustee of the said Indentures and of the said Trust Estate, and thereupon a decree was made by the Court of Chancery for Upper Canada, bearing date the tenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, and registered in the registry office of the County of York, on the seventeenth day of September, in the year of our Lord one thousand eight hundred and sixty-two, Memorial Number 34,926, whereby he, the said Philip Michael Matthew Scott Vankoughnet was discharged from being any longer a Trustee of the said Indentures and the said Trust Estate.

Appointment  
of P. M. M. S.  
Vankoughnet  
as Chancellor.

Bill filed by  
him to be re-  
lieved from  
Trusts.

Decree, 10th  
Sept., 1862.

And whereas the said Augustus Nanton departed this life in the year of our Lord one thousand eight hundred and sixty-seven, leaving the said Mary Louisa Nanton, his widow him surviving.

Death of A.  
Nanton.

And whereas the said Trust Indentures made no provision for a partition of the said Trust Estate between the respective parties interested in the said undivided third parts or shares therein, nor for appointing new Trustees, or adding Trustees from time to time.

No provision  
for Partition.

And whereas by reason, as well of the said Philip Michael Matthew Scott Vankoughnet having ceased to be a Trustee of the said indentures and of the said Trust Estate, as of the death of the said Augustus Nanton, the purposes by the said respective Indentures by way of marriage settlement contemplated, cannot now be effected otherwise than under an Act of Parliament, and the said respective marriage settlements are found to be imperfect and insufficient.

Settlements  
imperfect.

And whereas the said Edmund Allen Meredith and Anne Frances Meredith, Mary Louisa Nanton, Lewis William Ord and Sarah Harriett Ord, have agreed among themselves to a partition, among them, of the said Trust Estate, so that their respective third parts of the lands and tenements, moneys and securities for money, now constituting the said trust estate, may be held and enjoyed in severalty, and with the consent, in writing of the said William Charles Gwynne and Frederick William

Agreement for  
Partition.

Jarvis,



By Indenture  
dated 1st Feb-  
ruary, 1868.

Jarvis, the sole continuing Trustees of the said Indentures, they have executed an Indenture, as well for the purpose of effecting such partition as for transferring their said respective third parts or shares therein, severally, to one James Henderson, the younger, upon certain trusts for the benefit of the said respective parties interested in the said Trust Estate, in severalty, and for discharging the said William Charles Gwynne and Frederick William Jarvis, from being any longer Trustees of the said Trust Estate, which said Indenture bears date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and is made between the said Edmund Allen Meredith and Anne Frances Meredith, his wife, of the first part, the said Mary Louisa Nanton of the second part, the said Lewis William Ord and Sarah Harriett Ord, his wife, of the third part, the said William Charles Gwynne and Frederick William Jarvis of the fourth part, and the said James Henderson, the younger, of the fifth part.

Prayer for  
confirmation  
by Act of  
Parliament.

And whereas the said Edmund Allen Meredith and Anne Frances Meredith, Mary Louisa Nanton, Lewis William Ord and Sarah Harriett Ord have presented their petition, whereby they have prayed that the said last-mentioned indenture and the several provisions thereof may be confirmed by an Act of Parliament, so that no doubt hereafter may exist as to its validity and effect.

And whereas it is expedient that the prayer of such Petition should be granted,

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

Indenture  
dated 1st Feb.  
1868, declared  
valid.

1. The said indenture bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, is hereby declared to be, and shall from henceforth be taken and adjudged to be valid and effectual for the several purposes therein contained and expressed.

Property com-  
prised therein  
declared vested  
in James Hen-  
derson.

2. The lands and tenements, mortgage securities, mortgage debts and all and singular the trust premises by the said indenture bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, expressed to be conveyed to the said James Henderson, the younger, shall at all times hereafter be deemed, taken and adjudged to have been, for all the estate and interest which were of the said settlers or any of them, vested in, and well and effectually conveyed to the said James Henderson, from the said first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and to be vested in the said James Henderson, the younger, and the Trustee or Trustees for the time being of the said indenture, his and their heirs, executors, administrators and assigns, upon

upon, however and subject unto the several and respective trust purposes, and subject to the several powers, restrictions, limitations and provisions in the said indenture, declared and expressed of and concerning the same respectively.

Subject to certain trusts.

3. In case it should at any time hereafter appear that by inadvertence any part of the said Trust Estate so as aforesaid heretofore vested in the said William Charles Gwynne and Frederick William Jarvis, or in their, or either of their possession, has not been taken into consideration in the making of such partition aforesaid, and for such reason has been omitted to be, or has not been, sufficiently expressed or contained in the said Indenture, bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, the same may be conveyed, assigned and transferred by the said William Charles Gwynne and Frederick William Jarvis, or either of them, or by the survivor of them, or the heirs of such survivor, or by the executors or administrators of such of them as may have such Trust Property in their respective possession, according to the nature of such Trust Estate respectively, unto the said James Henderson, the younger, or the Trustee or Trustees for the time being of the said Indenture, and thereupon, or without any such conveyance, assignment or transfer, the said James Henderson, the younger, his heirs, executors and administrators, and the Trustee or Trustees for the time being of the said Indenture, bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, shall be held and adjudged to be seised and possessed thereof, in three equal, several parts or shares upon the like Trusts, and subject to the like powers, restrictions, limitations and provisions, for the use and benefit of the several and respective *cestuis que trust* of the said Indenture as are in that Indenture expressed and contained in respect of the several and respective parts or shares which are by the same Indenture expressed to be conveyed, assigned and transferred.

In case of inadvertent omission, trust estate omitted to be conveyed to Henderson

Legal Estate vested in Henderson

Upon Trusts.

4. The expenses attending the preparation and execution of the said Indenture, bearing date the first day of February, in the year of our Lord one thousand eight hundred and sixty-eight, and attending the preparing, soliciting for and obtaining this Act, shall be a charge upon the said Trust Estate in equal third parts, and shall and may be paid for thereout by the said James Henderson or the Trustee or Trustees for the time being of the said Indenture.

Expenses, payment of.

## CAP. LXXVI.

## An Act to vest the Estate of the late George Paxton in Trustees.

[Assented to 4th March, 1868.]

Preamble.

Petition.

Co-partnership.

Unsettled partnership accounts.

Intestacy of G. Paxton.

Minority of children.

Appointment of trustees.

WHEREAS HANNAH PAXTON, of the Township of Reach, in the County of Ontario, in the Province of Ontario, in the Dominion of Canada, Widow of George Paxton, late of the said Township of Reach, acting in the name and on behalf of herself and William Clarke Paxton, Charles Paxton, George Wesley Paxton, Frederick Henry Paxton, Anne Elizabeth Paxton, Emma Philena Paxton, and Jessie Paxton, infant children of the said George Paxton and Hannah Paxton, hath, by her Petition, represented that the said George Paxton, who died on the eighth day of October, in the year of our Lord, one thousand eight hundred and sixty-six, was, in his lifetime, in co-partnership with Thomas Paxton, his brother, in carrying on the business or calling of Miller and other departments of trade; that the said George Paxton acquired by purchase in his own name, but for the benefit of the said co-partnership, by way of venture or speculation certain lands, tenements, edifices, and hereditaments, within the said Province; that the said Thomas Paxton also acquired, in like manner, and for the like purposes, as is shewn in his joining in the said Petition, certain lands, tenements, edifices, and hereditaments; that previously to the decease of the said George Paxton no partnership account had been stated and determined, and no settlement had been made between the said deceased and the said Thomas Paxton, with respect to the transactions of the said co-partnership; that the said George Paxton died intestate; that in consequence of the minority of the said children, and their consequent legal incapacity to do all matters and things necessary to the proper adjustment and conduct of, and dealing with, the said estate, it has become necessary to vest in the hands of Trustees, all the real and personal estate of what nature soever, of which the said George Paxton died seized or possessed or entitled to, with power to sell, dispose of, divide, and partition the same, or any part thereof, and make conveyances of the same, and with the proceeds of such sales to pay and discharge all incumbrances due thereon, to satisfy all liabilities and claims due, owing, and payable on account of the said estate, and to adjust and settle all matters and things pertaining to the said co-partnership, and to hold and divide the residue of the said estate, according to the respective shares of the said widow and children, as by law provided. And, whereas, in order to obtain the above recited powers it would be necessary to make repeated applications to the Court of Chancery, and so create delays and great expense. And whereas the said Thomas Paxton, William Tate, John Nott, Joseph Begelow, and others



others, have joined in the said Petition, and represented that it would be for the benefit of the said widow and children that the said estate should be vested in the hands of Trustees authorized to act, with the powers hereinbefore described.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. All and singular the lands, tenements, hereditaments, goods, chattles, estate, and effects real as well as personal, which were held by the said George Paxton at the time of his decease, shall be, and the same are hereby vested in Charles Paxton and John Dryden for the like estate, as the same were held by the said George Paxton, in his lifetime, upon trust, nevertheless to hold, lease, demise, alien, sell, dispose of, convey, and assure the same from time to time, either together or in parcels, either by private sale or public auction; to transfer, make over, divide, and partition the same; to demand, receive, sue for, and by process of law, recover the same, in such manner as the said Charles Paxton and John Dryden or the Trustees for the time being may think fit, and for such purpose to make good, valid, and effectual deeds, conveyances, assurances, assignments and leases, of the same, in the same manner as the said George Paxton might or could have done, in his lifetime, and to take the proceeds of such Sales, and such moneys as belong and appertain to the said personal estate, and to pay and distribute such proceeds and moneys in the discharge of all incumbrances due thereon, in payment and liquidation of all claims due, and owing, and the residue of such real and personal goods and chattels, moneys and proceeds of sale to partition and divide between and amongst the said Hannah Paxton, Widow of the said George Paxton, and William Clarke Paxton, Charles Paxton, George Wesley Paxton, Frederick Henry Paxton, Anne Elizabeth Paxton, Emma Philena Paxton, and Jessie Paxton, sons and daughters of the said George Paxton, and Hannah, his Widow, respectively, according to their respective shares and proportions, as by law is established and provided.

Estate of G. Paxton vested in certain trustees.

Upon certain trusts.

Payment of claims.

Disposal of residue.

2. In case of the death of any, or either, of the Trustees hereby appointed, or hereafter appointed, by authority of this Act, before the final execution of the powers and trusts above mentioned, or of his or her becoming incapable of executing such powers and trusts, or departing from the Province of Ontario, it shall be lawful for the Judge of the County Court then being or having jurisdiction within the County of Ontario, on the application of the surviving or remaining Trustee or Trustees, to nominate and appoint some fit and proper person to act in the place of each such Trustee or Trustees so dying, or becoming incapable, or departing from this Province of Ontario, as aforesaid, as Trustee of the Estate of the said George Paxton under this Act, and with the powers conferred herein.

Appointment of new trustees in case of death or incapacity.

W. C. Paxton  
on attaining his  
majority to be  
a trustee:

3. William Clarke Paxton, eldest son of the said George Paxton, deceased, may become, on his attaining the full age of twenty-one years, a Trustee of the estate of his late Father, under this Act, with the powers conferred herein, on his application for that purpose to the Judge of the said County Court

Indemnity of  
purchasers, &c.

4. No mortgage purchaser, alienee, or lessee, shall be required to see to the application of the purchase money, rents, or other considerations in respect of any sale, mortgage, lease or other disposition made under this Act.

## CAP. LXXVII.

An Act to amend an Act of the Legislature of Canada intituled "An Act to vest certain Real Estate of the late John Knatchbull Roche in the hands of Trustees."

[Assented to 4th March, 1868.]

Preamble.  
Cites 24 V. c.  
135.

WHEREAS by an Act of the Legislature of Canada, passed in the twenty-fourth year of Her Majesty's Reign, chapter one hundred and thirty-five, and intituled "An Act to vest certain Real Estate of the late John Knatchbull Roche in the hands of Trustees," certain Real Estate and property of the children of the late John Knatchbull Roche were thereby transferred to and vested in Annie Elizabeth Roche, of the Town of Port Hope, widow; James McFeeters, of the Town of Bowmanville, Esquire; and George Molyneux Roche, of the Town of Lindsay, Esquire; and the survivor and survivors of them and their successors to be appointed as therein mentioned as Trustees for the benefit of the children of the said John Knatchbull Roche; and whereas the said Act was intended to relieve the estate of the said John Knatchbull Roche generally from all disabilities under which the said estate lay in consequence of the said John Knatchbull Roche, having died intestate, leaving his three children minors and incapable of executing conveyances or carrying out the contracts of their deceased Father; And whereas the said John Knatchbull Roche in his lifetime contracted to sell to one James Brown-scombe, of the Town of Port Hope, shoemaker, a certain lot of land in the said Town of Port Hope, described as Lot number Four on the south side of Ridout street, containing by admeasurement one quarter of an acre, and being a sub-division of Lot number Eight in the First Concession of the Township of Hope, in the County of Durham; And whereas no provision was made in and by the said Act for enabling the said Trustees or any other person or persons to carry out and perform the

Contract for  
sale of lot to  
James Browns-  
combe.

said

said contract and make a conveyance of the said Lot number Four to the said James Browncombe, the purchaser thereof, and it is expedient that the said Trustees be empowered to carry out and fulfil the said contract with the said James Browncombe, and to execute a proper conveyance of the said Lot: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows :

1. The estate and interest of the said John Knatchbull Roche deceased, at the time of his death, of, in and to Lot number Four on the south side of Ridout street, in the Town of Port Hope aforesaid, are hereby declared to be transferred to and vested in the said Annie Elizabeth Roche, James McFeeters and George Molyneux Roche, and the survivors or survivor of them as Trustees for the purpose of carrying into effect the aforesaid contract of sale; and it shall be lawful for the said Trustees and the survivors and survivor of them and they are hereby empowered to carry the said contract of sale into full effect, and to make and execute a proper conveyance of the said Lot, number Four on the south side of Ridout street, in the Town of Port Hope, unto the said James Browncombe his heirs and assigns, according to the legal intent and meaning of the aforesaid contract, anything in the said Act to the contrary notwithstanding.

Power of trustees to carry said contract into effect.

2. So much of the first clause of the said Act as relates to Town Lot number Eighteen, erroneously described as being on the north side of Burton street, in the said Town of Port Hope, is hereby repealed, the name "Burton street" being a typographical error; and instead thereof the said Act shall be read and construed as having reference to Town Lot number Eighteen on the north side of Bruton street, in the said Town of Port Hope.

Repeal of part of the first clause of Act cited.

### CAP. LXXVIII.

An Act to confirm the conveyance by John Saxton Campbell, formerly of the City of Quebec, Merchant, acting by his Attorney, David Ramsay Steuart, to Thomas Eyre, late of the Town of Cobourg, Esquire, of lots numbers twenty-five and twenty-six in the sixth concession of the Township of Hamilton, and to declare that the said conveyance vested in the said Thomas Eyre, all the estate which the said John Saxton Campbell had at the time of his death in the said lands.

[Assented to 4th March, 1868.]

**W**HEREAS, one David Ramsay Steuart, acting as the Attorney of John Saxton Campbell, formerly of the City of

Preamble.

of



Sale of lots 25,  
26, in 6th Con.  
Hamilton.

Demise of J. S.  
Campbell be-  
fore execution  
of deed.

of Quebec, Merchant, sold to one Thomas Eyre, late of the Town of Cobourg, Esquire, lots numbers twenty-five and twenty-six, in the sixth Concession of the Township of Hamilton, and on the second day of May, in the year of our Lord one thousand eight hundred and fifty-five, acting as such Attorney, in the name and as the act and deed of the said John Saxton Campbell, executed and delivered to the said Thomas Eyre a conveyance in fee simple of the said lands; And whereas the said John Saxton Campbell had departed this life a few days before the execution of the said conveyance, by reason whereof the said conveyance became of no effect; And whereas it is expedient to confirm the said conveyance, and to declare that the said conveyance vested in the said Thomas Eyre, all the estate which the said John Saxton Campbell had at the time of his death in the said lands; Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:

Deed of con-  
veyance con-  
firmed.

1. That the conveyance by John Saxton Campbell, formerly of the City of Quebec, Merchant, acting by his Attorney, David Ramsay Steuart, to Thomas Eyre, late of the Town of Cobourg, Esquire, bearing date the second day of May, in the year of our Lord one thousand eight hundred and fifty-five, of lots numbers twenty-five and twenty-six, in the sixth concession of the Township of Hamilton, is hereby confirmed, and the said conveyance is hereby declared to have vested in the said Thomas Eyre, his heirs and assigns, all the estate which the said John Saxton Campbell had at the time of his death in the said lands.

Public Act.

2. This Act shall be deemed a Public Act.

## CAP. LXXIX.

An Act to authorize the Law Society of Ontario to admit John Whitley as a Member of the said Society, and as a Barrister-at-Law.

[Assented to 4th March, 1868.]

Preamble.

WHEREAS, John Whitley has, by his petition, represented that he was in Hilary Term, in the year 1862, duly admitted as an Attorney-at-Law and Solicitor in Chancery in Upper Canada, and that he has been since such admission, and still is, actively engaged in the practice of his profession, and that he is desirous of being called to the Bar of Ontario upon passing the usual preliminary and final examinations prescribed by the Law Society of Ontario, without being required to stand as a Student of the Laws, upon the books of the said society,

society, for the period prescribed by law, or to keep the terms prescribed by the rules of the said Society. And, whereas, inasmuch as the said John Whitley has been practising as an Attorney and Solicitor for the period of six years, it is expedient to allow him to be called to the bar without waiting the usual period of probation as a student: Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of Ontario, enacts as follows:—

1. It shall be lawful for the Law Society of Ontario, and the Benchers thereof, in their discretion, and upon the payment of the usual fees therefor, to place the name of the said John Whitley upon the roll of members of the said society, and to call and admit him to the degree of Barrister-at-Law, and the practice of the law as such, as soon as he has passed the usual preliminary and final examinations prescribed by the rules of the said society, without requiring him to remain upon the books of the said society as a student of the laws, for the period prescribed by law, and without his compliance with the other requirements of the law, or of the rules and regulations of the Law Society of Ontario in that behalf, any law, usage, or regulation to the contrary notwithstanding.

Law Society  
authorized to  
admit petition-  
er as a barris-  
ter.

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TORONTO: PRINTED BY HENRY JERVIS HARTNEY, LAW PRINTER  
TO THE QUEEN'S MOST EXCELLENT MAJESTY.





1868.—31 VICTORIÆ.

# FIRST SESSION, FIRST PARLIAMENT.

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